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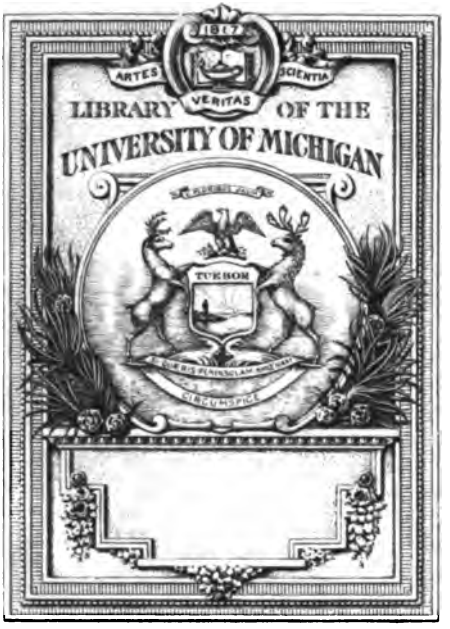
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DOCUMENTS

ACCOMPANYING THE JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF MICHIGAN,

AT THE

ANNUAL SESSION OF 1840.

VOLUME II.

GEORGE DAWSON, STATE PRINTER.

1840.

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[No. 14.]

Treasurer's Report.

STATE TREASURER'S OFFICE,
Detroit, December 1, 1839.

To the Honorable the Legislature of the State of Michigan:

In compliance with the law requiring the treasurer to make an annual report, and also agreeably to the act, approved April 16, 1839, closing the fiscal year on the last day of November, I have the honor to herewith present my report as treasurer, accompanied by a statement of accounts from the 1st day of January to the 30th day of November, 1839, in the following order:

First. An account current with the general fund.

Second. An account current with the internal improvement fund.

Third. An account current with the sinking fund.

Fourth. An account current with the contingent fund.

Fifth. An account current with the delinquent tax fund.

Sixth. An account current with the primary school fund.

Seventh. An account current with the primary school interest fund.

Eighth. An account current with the state penitentiary fund.

Ninth. An account current with the bank fund.

Tenth. A summary statement of accounts, showing the receipts, disbursements and balances from January 1st to November 30th, 1839.

Eleventh. A statement of balance account.

The account with the general fund, exhibits a balance against it of seventeen thousand forty-three dollars and seventy-seven cents, to which add the sum of ten thousand six hundred and eight dollars and eight cents, amount of warrants drawn on that fund by the auditor general previous to November 30th,

which remain unpaid, swells the deficiency to the amount of twenty-seven thousand six hundred and fifty-one dollars and eighty-five cents. The interest becoming due on state bonds, on the first day of January next, payable out of this fund to the amount of seven thousand and eight hundred dollars, has been provided for by placing funds in the hands of the Morris canal and banking company to that amount, where the coupons will be presented for payment. Of this sum, six thousand dollars was for the payment of interest on the Detroit and Pontiac railroad and university state stock, which has not yet been refunded to the state. The Detroit and Pontiac railroad company having failed in the payment of the interest which became due on the first Monday of July last, upon the stock loaned to said company by the state, the amount has been paid out of the general fund; and pursuant to the eighth section of the act entitled "An act to provide for the relief of the Detroit and Pontiac railroad company," I have advertised said road and appurtenances for sale at auction, at the treasurer's office, on the second day of March next.

The banks, which by law are required to pay to the treasurer, for the use of the state, one-half of one per cent. on the amount of the capital stock paid in, in semi-annual payments in July and January in each year, have failed in making such payment, due on the third Monday of July last, excepting the bank of St. Clair.

Under the act entitled "An act to establish seats of justice," the commissioners appointed to locate the seat of justice for the county of Midland, have received out of the treasury, for their services, the sum of five hundred and thirty-one dollars, which amount has not been refunded by the proprietors of the land on which such seat of justice has been located.

Including the balance to the credit of the internal improvement fund on the first day of January last, amounting to five hundred and eighty-five thousand nine hundred and eighty-six dollars and sixty-eight cents, the receipts placed to the credit of that fund amount to the sum of one million five hundred and five thousand twenty-six dollars and seventy-seven cents, and the disbursements amount to seven hundred and fifty-two thousand nine hundred and sixty dollars and thirty-two cents, leaving a balance to the credit of that fund, of seven hundred and fifty-two thousand sixty-six dollars and forty-five cents; reference to statement No. 12, will show in what that balance consists.

There has been placed to the credit of the sinking fund during the year, including the balance on hand on the first day of January last, the sum of one hundred and thirty-three thousand four hundred and seventy-three dollars and forty-seven cents; and during the same period there has been charged to

that account the sum of four hundred and thirty-five thousand five hundred and ninety-six dollars and seventy cents, showing a balance against that fund of three hundred and two thousand one hundred and twenty-three dollars and twenty-three cents; statement No. 12, shows from what fund that amount was made up.

The contingent fund being placed at the disposal of the governor, the disbursements are made upon his warrant. The amount to the credit of that fund on the first day of January, was one thousand and twenty-two dollars and sixteen cents; that amount being a deposite in the state bank; an appropriation of fifteen hundred dollars was also placed to the credit of this fund. The unexpended balance is thirteen hundred and thirty-four dollars and fifty-seven cents. Statement No. 12, shows what proportion of that balance remains in the state bank, and how much is on deposite in the bank of Michigan.

There is a balance to the credit of the delinquent tax fund, of fifteen thousand one hundred and sixty-eight dollars and twenty-three cents. This fund is created by the payment to the treasurer of delinquent taxes, returned by the several county treasurers to the office of the auditor general, including interest and charges, and was to be applied to the payment of interest accruing on, and to the redemption of state stock to be issued by the treasurer, the proceeds of which was to be paid to each county treasurer to the amount due to such county for unpaid taxes.

The amount of delinquent taxes returned to the auditor general's office, was in round numbers, one hundred thousand dollars. In consequence of the depressed state of the money market, and the depreciated value of stocks generally, sales could only be effected to the amount of thirty-one thousand dollars, which sum has been paid to the several counties. From the failure in the attempt to sell the whole amount of stock required to pay the counties, one of the principal objects of the law is partially defeated—that is, the payment to the counties of the amount due them for delinquent taxes. So soon as that amount is ascertained, as that fund is daily increasing, and no disbursements are to be made from it but the payment of the semi-annual interest on thirty-one thousand dollars, I would respectfully suggest the propriety of amending the law so as to authorize the treasurer, upon the auditor general's warrant, to pay to the several county treasurers the amount which may be to the credit of that fund, either quarterly or semi-annually, in proportion to the amount of delinquent taxes returned by them.

There is a balance to the credit of the primary school fund, of two thousand one hundred and five dollars and twenty-two

cents, and to the credit of interest on primary school fund, two thousand six hundred and fifty-one dollars and eighteen cents.

There has been placed to the credit of the state penitentiary fund, the sum of twelve thousand five hundred and seventy-two dollars and forty-eight cents, and the same amount disbursed. Under the act supplementary to "An act authorising the building of the state penitentiary," the governor negotiated a loan of forty thousand dollars, for which state bonds have been issued, and the bonds of William Ford & Son, with sufficient sureties, received for the same amount, payable in monthly instalments of five thousand dollars each. After paying the amount above mentioned to the credit of the state penitentiary fund, the said William Ford & Son have neglected to pay the remaining instalments as they became due.

I have, in consequence, placed their bond in the hands of the attorney general for collection.

All which is respectfully submitted.

PETER DESNOYERS,
State Treasurer.

DOCUMENTS

Accompanying the State Treasurer's Report.

State of Michigan, in account with Henry

DR.

1839.					
Jan.	1,	To balance from last year,			$11,553 24
	12,	" paid warrant favor R. Manning,	$100 00		
	18,	do do J. D. Pierce,	375 00		
	19,	do do D. V. Bell,	312 50		
					787 50
	21,	" this amount, being half year's interest on $100,000 university state stock, due Jan. 1, 1839,	3,000 00		
	29,	do do J. J. Adam,	200 00		
Feb.	4,	do do Alvah Fuller,	47 00		
					3,247 00
	6,	do do C. C. Hascall,	2 75		
	7,	do do H. H. Booth,	36 25		
		do do O. B. Hart,	11 00		
					50 00
	8,	do do E. Davis,	2 25		
	11,	do do P. Morey,	125 00		
		do do K. Pritchette,	312 50		
		do do A. Felch,	312 50		
					752 25
	26,	do do E. J. Roberts,	153 00		
	27,	do do C. C. Jackson,	83 33		
					236 33
Mar.	1,	do do C. C. Douglass,	200 00		
	2,	do do Geo. H. Bull,	200 00		
	4,	do do S. W. Higgins,	250 00		
					650 00
	6,	do do D. Houghton,	500 00		
		do do Bela Hubbard,	200 00		
					700 00
	6,	do do St. Joseph county for wolf bounties,	16 00		
	7,	do do L. E. Berry,	175 51		
					191 51
	13,	do do for half year's interest due May 1, 1839, on $100,000 state stock issued May, 1836, payable at Phenix bank, N. Y.	3,000 00		
		Carried forward,	$3,000 00		$18,167 83

Hazard, Treasurer, from Jan. 1 to May 1, 1839.

CR.

1839.					
Jan.	2,	By this amount received of P. M. Phillips, peddler's license on foot, one year,	$10 00		
	3,	" this amount received of Ann Martin, for license,	10 00		
	4,	" cash received of G. Fuller, for peddler's license,	30 00		
				$50 00	
	5,	" do of R. E. Ward, deputy treasurer, Berrien county,	500 00		
		" do of Merchants' bank of Jackson county, due the state as bonus on capital,	63 84		
				563 84	
	10,	" do of Calhoun county bank, tax due the state up to Jan. 1, 1839,	412 50		
	17,	" do of Wm. Anderson, sheriff of Washtenaw county, per hand of P. Morey, attorney general,	354 00		
				766 50	
	26,	" do of Wm. Anderson, sheriff of Washtenaw county, per hand of P. Morey, attorney general,	200 00		
	28,	" do of Wm. Anderson, sheriff of Washtenaw county, for licenses,	50 00		
				250 00	
	31,	" do of H. Doty, auctioneer Wayne county,	46 08		
Feb.	7,	" do of F. Preston, sheriff Berrien county,	59 87		
				105 95	
	15,	" do of treasurer Lenawee co. by auditor general's warrant for amount due to that county, to apply towards amount due from that county for taxes,	1,712 00		
		Carried forward,	$1,712 00	$1,736 29	

State of Michigan, in account with Henry

DR.

	Brought forward,	$3,000	00	$18,167	88
Mar. 13,	To do favor C. Foster,	6	09		
				3,006	09
14,	" do P. Morey,	125	00		
	" do C. H. Swain,	7	12		
	" do Jno. Gibson,	28	50		
29,	" do J. Vickery,	5	00		
				165	62
April 3,	" do favor Jno. D. Pierce,	375	00		
4,	" do favor R. Manning,	241	32		
	" do favor H. Howard,	200	00		
				816	32
10,	" do this am't int. due Jan. 1, 1839, on $100,000 university state stock at Manhattan bank, funds remitted to Morris canal and banking company this day,	3,000	00		
	" do this amount interest on $100,000 Detroit and Pontiac railroad state stock 8 mos. from May 1, 1838, to Jan. 1, 1839, at 6 per cent,	4,000	00		
	" interest on do from Jan. 1 to May 1, 1839, 4 mos.,	163	33		
		$7,163	33		
	add 1 year's int. due May 1, 1839, on Palmyra and Jacksonburgh railroad state stock,	700	00		
		7,863	33		
	90 days' discount on the above sum to convert 90 dys' date state drafts into cash funds in New York,	117	24		
				7,980	57
13,	" do favor Lewis Reed,	2	25		
20,	" do D. V. Bell,	312	50		
	" do Gov. Mason,	500	00		
	" do D. V. Bell,	100	00		
	" do do	51	45		
	Carried forward,	$966	20	$30,136	43

Howard, Treasurer, from Jan. 1, to May 1, 1839.

CR.

	Brought forward,		$1,712 00	$1,736 29
Feb. 15,	By do of treasurer of Van Buren county, on same account,	159 86		
	" cash received of Bank of Constantine, bonus due the state,	67 85		
				1,939 21
21,	" do of M. Chapin, for 10 copies of revised statutes, at $3 each,			30 00
22,	" do of cashier of bank St. Clair, bonus due the state,	125 00		
Mar. 1,	" do of H. C. Thurbur, treasurer of Oakland county, taxes due from that county,	3,315 00		
				3,440 00
6,	" do of A. V. Sill, treasurer of St. Joseph county,	881 04		
7,	" do of D. D. Sinclair, treasurer of Lenawee county,	989 00		
				1,870 04
	" do of J. H. Cleveland, sheriff of Lenawee county,	100 00		
20,	" do of John M. Hurlbut, treasurer of Chippewa county, for taxes,	43 00		
				143 00
27,	" this amount of auditor general's warrant received of treasurer Calhoun county to apply on account of taxes due the state,	1,111 00		
30,	" do for peddler's licenses issued during the quarter ending this day,	250 00		
April 4,	" do of P. P. Ferry, treasurer of Monroe county, on account of taxes for year 1838,	600 00		
				1,961 04
10,	" amount of warrant drawn to meet interest on university state stock assumed to be paid by Michigan state			
	Carried forward,			$11,119 58

State of Michigan, in account with Henry

DR.

	Brought forward,		$966 20	$30,136	43
April 20,	To paid do	M. Preston,	75 00		
	do	E. Ransom,	375 00		
				1,416	20
	do	C. C. Parks,	24 00		
22,	do	Roberts & Griswold,	93 00		
	do	John Wright,	375 00		
	do	Abram Sager,	375 00		
	do	R. Abbott,	500 00		
	do	Wm. A. Fletcher,	400 00		
				1,767	00
	do	Geo. Morell,	375 00		
	do	E. Farnsworth,	375 00		
	do	Thos. Youhill,	250 00		
	do	do	142 46		
	do	D. Houghton,	1,300 00		
				2,442	46
	do	Gov. Mason,	232 02		
	do	Jno. Prentiss,	57 00		
	do	Saginaw Journal,	25 00		
	do	Thos. Fitzgerald,	75 00		
				389	02
	do	Robt. Abbott,	300 00		
	do	L. G. Budlong,	78 00		
	do	T. P. Tucker,	8 00		
	do	H. Howard,	200 00		
	do	G. R. Griswold,	107 45		
	do	Jno. E. Schwarz,	31 25		
				724	70
23,	do	Josiah Snow,	139 50		
	do	Chas. Tryon,	6 09		
	do	H. L. Russell,	85 00		
	do	E. B. Harrington,	162 60		
				393	10
	do	R. Manning,	250 00		
	do	Pontiac Herald,	25 00		
	do	Jno. Goodrich,	5 04		
	do	O. Marsh,	614 82		
				894	86
	do	P. O. Whitman,	7 00		
	do	G. Winchell,	8 00		
	do	J. P. King,	6 00		
	Carried forward,		$21 00	$38,163	77

Howard, Treasurer, from Jan. 1 to May 1, 1839.

CR.

	Brought forward,			$11,119 58
	bank, but not paid by that bank, warrant issued Dec. 14, 1838,	3,000 00		
April 10,	By amount warrant cancelled, issued to meet interest on Detroit and Pontiac rail road company, due Jan. 1, 1839, assumed by, but not paid by Michigan state bank,	4,000 00		
				7,000 00
13,	" this amount received of treasurer Kalamazoo county, being H. Howard, treasurer's check on Michigan state bank, upon primary school fund, due that county,	845 44		
	Less, by J. D. Pierce's draft on treasurer of said county, on account of interest due the school fund,	624 34		
	Leaving to apply to credit of said county on state taxes,	221 10		
20,	" this amount received of D. T. McCollum, deputy treasurer Washtenaw county, specific state taxes collected,	240 00		
22,	" check given Dec. 31, 1838, on Michigan state bank, to Robert Abbott, auditor general, returned and paid by check on bank of Michigan, included in $500 charged this day,	250 00		
29,	" cash received of C. S. Williams, auctioneer, Macomb county,	2 16		
30,	" do of Wm. C. Sabine, for peddler's license,	30 00		
				522 16
	Carried forward,			$18,862 84

State of Michigan in account with Henry

DR.

	Brought forward,		$821 00	$38,163	77
April 23,	To paid do P. Morey,		528 20		
				549	20
	do	Aymar & Shaw,	318 07		
	do	A. E. Hathon,	276 00		
	do	M. Brayman,	25 00		
	do	Thos. Christian,	18 00		
				637	07
	do	Bank of Michigan,		20,502	17
	do	R. Abbott,	334 00		
	do	T. J. Drake,	75 50		
	do	Frederick Shurts,	22 38		
				431	88
	do	A. Allen,	22 38		
	do	S. McCamly,	23 50		
	do	H. Saunders,	6 00		
	do	A. G. Hammond,	20 09		
				71	88
	do	S. Yorke At Lee,	200 00		
	do	Wm. Patrick,	1 50		
	do	M. S. Brown,	6 00		
	do	J. T. Blois,	118 00		
				325	50
	do	E. D. Fisher,	40 00		
	do	L. W. Bebee,	6 00		
	do	Geo. L. Whitney,	158 46		
				204	46
24,	do	S. McKnight,	518 79		
	do	S. L. Rood,	15 25		
	do	J. J. Adam,	11 50		
	do	S. Fletcher & Co.,	25 00		
	do	C. B. H. Fessenden,	31 00		
				601	54
	do	John Berry,	9 00		
	do	do	315 00		
	do	John Grifford,	230 00		
				554	00
	do	E. Richardson,	15 00		
	do	J. L. Ankrim,	24 85		
	do	L. Cawalli,	47 00		
	do	J. B. Vallee,	72 00		
				158	85
	Carried forward,			$62,200	32

Howard, Treasurer, from Jan. 1, to May 1, 1839.

CR.

	Brought forward,	$18,862 84
April 20,	By this amount transferred from internal inprovement fund account,	80,000 00
	Carried forward,	$98,862 84

State of Michigan, in account with Henry

DR.

	Brought forward			$62,200 32
April 24,	To paid do J. L. H. Hayes,	$22 37		
	do T. E. Gidley,	22 00		
	do F. H. Harris,	32 00		
				76 37
	do John Flattery,	6 00		
	do Rob't Elliot,	39 85		
	do D. Bacon,	3 00		
				48 85
	do J. Stilson,	16 00		
	do M. Paulding,	3 50		
	do A. Smolk,	1 00		
				20 50
25,	"check on Michigan state bank for this amount advanced Jno. S. Bagg,		11,548 37	
	" do on bank of Michigan for balance,		12,783 16	
	"paid warrant favor J. S. Bagg, for the sum of (as follows,) $29,456 53			
	Less amount advanced him Ap'l 14, 1838, $5,000 00			
	Less am't deducted from his account, 125 00			
		5,125 00		
		24,331 53		
			24,331 53	
	To paid warrant favor Messrs. Baggs,		1,886 50	
				26,218 03
	do J. P. Kirk,	6 00		
	do J. A. Van Dyke,	12 00		
	do Marsh & Chittenden	4 88		
	do A. W. Pitts,	6 00		
				28 88
	do S. H. Porter,	81 00		
	do E. B. Seely,	3 00		
	Carried forward,		$84 00	$88,592 95

Howard, Treasurer, from Jan. 1, *to May* 1, 1839.

CR.

Brought forward,	$98,862 84

Carried forward,	$98,862 84

State of Michigan, in account with Henry

DR.

		Brought forward,	$84 00	$88,592	95
April	25, To paid	do D. Thompson,	39 00		
	do	Collins, Keese & Co.,	922 04		
	do	Kent & Ogden,	500 00		
				1,545	04
	27, do	Wm. Lundy,	100 00		
	do	C. Mitchell,	27 00		
	do	H. B. Webster & Co.,	28 87		
				155	87
	do	Baldwin & Kimball,	13 11		
	do	T. M. Perry,	25 00		
	do	Edward Mundy,	756 00		
				794	11
	29, do	S. Titus,	12 00		
	do	S. A. Chapin,	3 00		
	do	B. B. Kercheval,	252 00		
	do	Lemuel Goodell,	150 00		
				417	00
	do	E. J. Roberts,	114 60		
	30, do	R. W. Ingalls,	5 00		
	do	H. A. Levake,	3 00		
	27, do	S. W. Stelle,	3 00		
				125	60
	30, " this amount being balance due the state charged to ac't, P. Desnoyers, treasurer,			7,232	27
				$98,862	84

H. HOWARD,
State Treasurer.

Detroit, April 30, 1839.

Howard, Treasurer, from Jan. 1, to May 1, 1839.

CR.

Brought forward,	$98,862 84
	$98,862 84

State of Michigan, in general account

DR.

1839.			
	For payment of warrants to the following named persons to wit:		
May 1,	To Wm. Anderson, for 21 days' attendance upon the supreme court during the y'rs 1837 and 1838, as sheriff of Washtenaw county.	$42 00	
	" Pease, Chester & Co., charges transportation and storage of muskets, and also for provisions furnished under the order of the quarter master general, for the use of the men called out to repel patriots of Canada in the winter of 1837,	102 67	
	" Robert Abbott, for 1 months' salary as auditor general to April 30, at $1,000,	83 33	
	" H. Howard, for 1 mo's salary as state treasurer, to April 30, at $800 per ann.,	66 66	
	" John Berry, for completing the journal of the senate for the session of 1839.	60 00	
	" K. Pritchette and A. Felch, for their expenses in investigating the Oakland county bank, and the bank of Macomb,	24 00	
			$378 66
2,	" George Coombs, for services at the capitol,	175 00	
	" D. S. Curtiss, for printing general order of the adjutant general and for appropriation made session of legislature, 1838, for newspapers,	27 00	
	" H. E. Perry, for attendance as witness on the committee		
	Carried forward,	$202 00	$378 66

with Peter Desnoyers, Treasurer.

CR.

1839.					
May 1,	By this amount rec'd of H. Howard, late treasurer, check on bank of Michigan,	$22,521 01			
	" cash from H. Howard, late treasurer,	74 00			
				$22,595	01
6,	" amount received from L. Reed, late sheriff of Kent county,			6	00
	" do of Alex'r V. Sill, treasurer of St. Joseph county, for state taxes of 1837,			115	00
11,	" do from N. H. Munson, treasurer of St. Clair county, on account of specific state taxes,			77	81
14,	" do from Isaac Sears, treasurer of Cass county, on account of specific state taxes,			85	24
17,	" do from Joshua Bangs, treasurer of Van Buren county, on account of state taxes,	295 00			
	" do from Andrew Longstreet, sheriff of Van Buren county, balance specific taxes.	12			
				295	12
18,	" do from Palmyra and Jacksonburg railroad company, on account of interest due on state stock, May 1, 1839,			699	00
23,	" do from Aaron Dykeman, treasurer of Kent county, for specific state taxes,			75	33
24,	" do from M. Preston, treasurer of Calhoun county, for specific state taxes,			228	00
28,	" do from Palmyra and Jacksonburg railroad company, for interest,	6 17			
	" do from Robert Wheaton, sheriff of Eaton county,	1 15			
	Carried forward,	$7 32	$24,176	51	

State of Michigan, in general account

DR.

	Brought forward,	$202 00		$378 66
	of elections, 3 days, at $1,	3 00		
May	2, To paid do J. Decker, for 1 day's pay as member of the house of representatives,	3 00		
	" A. Tackels for do do	3 00		
				211 00
	" contingent fund, for this am't appropriated by act of April 6, 1838, subject to the order of the governor to pay unforseen expenses,			1,500 00
	" John Norton, for wood furnished the capitol,			24 75
	3, " John S. Bagg, for 253 copies of the revised statutes, as per certificate of secretary of state, at $2 30,	581 90		
	" Sam'l Walker, for attendance as witness before an investigating committee, 2 days,	2 00		
	" Titus Dort, for 1 day's pay as member of the legislature.	3 00		
	" John Gibson, for services as crier of the supreme court & court of chancery, in the county of Wayne, $61 50			
	For fuel and lights furnished, & other incidental expenses, 75 00			
		136 50		
				723 40
	" J. W. Wallace, for printing general orders of adjutant general,			25 00
	4, " O. Hawkins, for services as member of the senate,	157 00		
	" Jas. J. Cicotte, for services as door keeper pro tem. of the house, and also for repair of locks and drawers,	12 25		
	" A. Wales, for amount due K.			
	Carried forward,	$169 25		$2,862 81

with Peter Desnoyers, Treasurer.

CR.

	Brought forward,	$7 32	$24,176	57
May 28,	By do for delinquent taxes,	169 96		
	" do for peddler's license,	20 00		
			197	28
	" this amount paid late Treasurer, check in favor treasurer of Allegan county, drawn on primary school fund, (omitted May 7th,)		139	52
June 5,	" this amount received of D. D. St. Clair, treasurer of Lenawee county, on account of specific taxes,		185	66
15,	" do from John D. Irvin, treasurer of Mackinac county, for state taxes of 1838,		83	00
22,	" do from university of Michigan, for one year's interest on state stocks, due July 1, 1839,		6,099	75
24,	" do from Wm. Scott, late treasurer of Mackinac county, on account of specific state taxes,		77	43
25,	" do from Lewis E. Bailey, for auction duties, in Monroe county, for half year ending May 31, 1839,		13	23
July 16,	" do from George Spafford, auctioneer, Lenawee county, for auction duties,		5	24
17,	" do for state bonds,	20,000 00		
	" do from Otis McGaffy, for auction duties, in St. Joseph county,	21 25		
			20,021	25
24,	" do from Henry Doty, auctioneer, for duties on goods, Wayne county,		119	90
30,	" do from J. H. Cobb, auctioneer, Wayne county, for auction duties,		4	13
	Carried forward,		$51,072	90

State of Michigan, in general account
DR.

	Brought forward.		$169 25	$2,862 81
	S. Bingham, speaker,	$6 00		
May 4,	To paid warrant favor of N. H. Finney, member of the house,	3 00		
	" E. N. Ormsby, do	3 00		
			12 00	
	" John Wright, for 2 mo's and 4 day's services as botanist, to May 4, at $1,500,		266 66	
				447 91
6,	" Joseph Clark, for attending district and senatorial district canvass, 1838,		8 00	
	" D. S. McDonell, for attendance as a member of a brigade court martial,		6 00	
	" John Greves, printing general orders of the adjutant general,		25 00	
				39 00
	" A. Sager, for services as zoologist, from March 1 to May 5, 1838, at $1,500 per annum,		270 83	
	" Charles Seward, for travel and expenses incurred in reclaiming fugitives from justice, on a requisition from the governor of Michigan on the governors of Indiana and Illinois, during the fall of 1838, as per account and vouchers on file in the office auditor general,		538 14	
				808 97
7,	" Charles O'Niel for services as messenger of the legislature of 1839,			104 00
8,	" E. Kendall, for publishing general orders of adj't gen.,			25 00
8,	" R. Manning, for qr's salary as			
	Carried forward,			$4,287 69

with Peter Desnoyers Treasurer.

CR.

	Brought forward,		$51,072	90
July 31,	By do for peddler's licences,		130	00
Aug. 6,	" do from A. Chandler, for auction duties,		1	41
	" do from treasurer of Jackson county, balance of check on primary school fund,		194	16
	" do from bank of St. Clair, for half yearly payment of state tax, due in July,	$236 11		
	" from N. H. Munson, treasurer of St. Clair county on account of state taxes,	76 39		
			312	50
19,	" do from H. C. Thurber, treasurer of Oakland county, for specific state taxes,		358	00
20,	" do from Peter P. Ferry, treasurer of Monroe county, for specific state taxes,		227	45
26,	" do from N. H. Munson, treasurer of St. Clair county, for specific state taxes,		142	25
	" do from bank of St. Clair, for state bonds,		11,000	00
27,	" do from J. S. Bagg, for revised statutes and session laws sold by him,		424	00
30,	" this amount paid a warrant on primary school fund, in favor of Lapeer county,		195	84
Sept. 16,	" this amount received from Garry Spencer, treasurer of Wayne county, on account of specific state taxes,		1,455	00
24,	" do from Henry Selvey, deputy treasurer of Mackinac county, on account of state taxes for 1838,		15	12
25,	" do from H. C. Thurber, treasurer of Oakland county, on account of specific state taxes,		410	50
	Carried forward,		$65'939	31

State of Michigan, in general account

DR.

	Brought forward,			$4,287 69
	secretary of state to 8th instant,	$250 00		
	less office fees received by him,	14 98		
				235 02
May 13,	To Benj. C. Cox, for attendance as witness in the investigation of northern and southern railroads,	9 75		
	" Guy Carpenter for this amount appropriated by legislature, 1839, to defray the expenses of sickness while engaged in supporting the supremacy of the laws in the year 1835,	41 00		
	" Jas. A. Armstrong, for attendance as witness before court martial, 2 days,	1 50		
				52 25
14,	" Thomas Fitzgerald, one day's pay as member of the house of representatives,	3 00		
	" Louis Beaufait, one day's pay as member of the house of representatives,	3 00		
				6 00
15,	" O. Wilcox, for preparing the manual of 1839, for the senate,	5 00		
	" J. A. & B. Brown, for printing militia orders, as per appropriation made 1839,	10 00		
	" J. Clark for one day as member of the legislature,	3 00		
				18 00
17,	" N. Sullivan, for printing general order,			25 00
18,	" Wm. H. Wilder, for services as enrolling clerk to the house of representatives,			12 60
	Carried forward,			$4,635 96

with Peter Desnoyers, Treasurer.

CR.

	Brought forward,			$65,939 13
Sept. 28,	By cash from George Spafford, auctioneer, Lenawee county, for auction duties,			4 96
Oct. 12,	" Joshua Bangs, treasurer of Van Buren county, for specific state taxes,			76 00
16,	" A. Dykeman, treasurer Kent county, for specific state taxes,			142 81
18,	" C. DeWitt, treasurer Genesee county, for specific state taxes,			65 00
22,	" H. C. Thurber, treasurer Oakland county, for specific state taxes,			75 00
23,	" Palmyra and Jacksonburg railroad, for interest,			700 00
Nov. 11,	" John Gould, treasurer Clinton county, for specific state taxes,			40 00
13,	" N. H. Munson, treasurer St. Clair county, for specific state taxes,			85 52
25,	" treasurer Macomb county, for specific state taxes,	$85 03		
	" treasurer Lapeer county, for specific state taxes,	12 74		
				97 77
27,	" this amount from treasurer of Cass county, for state taxes, and specific taxes by warrant on primary school fund,			608 00
30,	" this amount received for peddler's licenses,			170 00
	" do R. Manning, for 6 vols. revised statutes,			18 00
	Carried forward,			$68,022 19

State of Michigan, in general account

DR.

	Brought forward,			$4,635 96
May 18,	To paid do Henry Gilbert, for printing general orders,	$25 00		
	" H. C. Bunce, for do	25 00		
				50 00
21,	" N. P. Drake, for services as teamster, in supporting the supremacy of the laws,	16 00		
	" C. A. Adams, for services as recording clerk of the legislature, one day,	3 00		
	" J. L. Near, for one day's pay as member of the legislature, 1839,	3 00		
				22 00
22,	" G. W. Raney, for publishing general orders,			25 00
	" Chas. D. W. Gibson, treasurer of Genesee county, for wolf bounty certificates,			112 00
24,	" treasurer of Calhoun county, on account of dues to said county for delinquent taxes returned to auditor general's office for 1839,	1,015 68		
	" Eldridge and Denton, for printing general orders of adjutant general,	25 00		
				1,040 68
25,	" E. J. Van Buren, for printing general orders,	25 00		
	" Marvin Preston, for services as member of the board of district canvassers, December, 1838, for the sixth senatorial district, three days, and thirty-five miles travel,	10 37		
				35 37
27,	" S. Humes Porter, for 1 quarter's salary as private secretary to the governor, ending the 26th May, at $500			
	Carried forward,			$5,921 01

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19

Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,			$5,921 01
	per annum,	$125 00		
May 27,	To paid do L. Bunt, deputy sheriff of Washtenaw county, for expenses incurred in going to state of New York with a requisition for Philo S. Rawson, a fugitive from justice, $69, and ten days' travel, at $3 per day,	99 00		
				224 00
	" Michigan state bank, for moneys advanced to the members and officers of the legislature of 1839,	7,308 85		
	" Michigan state bank, for cash paid Messrs. Buel, Butler, Smith and Cook, as committee to investigate the bank of Michigan,	120 00		
				7,428 85
	" E. B. Tuttle, for services as enrolling clerk, not before settled, 3 days, at $3,			9 00
31,	" Treasurer of Jackson county for wolf bounties,			56 00
June 1,	" Peter Morey, for 3 months' salary as att'y general from March 1, to June 1, 1839,	125 00		
	" A. E. Hathon, for attendance on committee of investigation of the affairs of board of internal improvement, serving subpœnas, use of office, &c.,	25 00		
	" State Journal, for printing general orders of adjutant general,	25 00		
	" John S. Bagg, for 300 copies revised laws, delivered at $2 30 per copy,	690 00		
				865 00
	Carried forward,			$14,503 86

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19

Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,		$14,503 86
June 4,	To paid do George H. Bull, for servicesas minor assistant of the zoological corps from March 1, to June 1, 1839, at $800 per annum,		200 00
5,	" Benjamin Porter, commissioner, for services and expenses incurred in removing eleven convicts from Detroit to Jackson,		208 63
6,	" D. E. Brown, I. Newton and G. Meacham, for one day's services each, as members of the legislature, at $3 per day,	$9 00	
	" A. T. Crossman, for inspecting four battalions of militia in 1838,	16 00	
	" Adam Peabody, for printing general orders of adjutant general, in Western Post,	25 00	
			50 00
7,	" Strong & McReynolds, for freight of one box books from New York, for state library,	2 78	
	" James H. Lanman, for 300 copies of the history of Michigan, by James H. Lanman,	600 00	
			602 78
7,	" Randolph Manning, for recording back laws, under an act entitled "An act providing for recording of the laws, and for other purposes," (balance,)	250 00	
	" delinquent taxes, am't transferred to that account, improperly credited to this,	169 96	
			419 96
	" John S. Bagg, for this am't,		
	Carried forward,		$15,985 23

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19

Carried forward,	$68,022 19

State of Michigan, in general account

DR.

		Brought forward,		$15,985 23
		on account of 119 copies of revised statutes, delivered this day,	$61 30	
June	8,	To paid do N. Little, for one day's services as member of the legislature,	3 00	
				64 30
	10,	" H. J. Tyler & Co., for printing general orders of the adjutant general, in 1838,		25 00
	11,	" J. M. Burger, for 24 vols. Niles' Register, $5,	120 00	
		" S. W. Higgins, for 1 q'rs salary as topographer to the geological department, from March 1st, to June 1st, 1839, at $1,000 per annum,	250 00	
				370 00
	12,	" DeGraff & Townsend, for brass shovel and tongs, and knob lock for state library,		8 00
	13,	" Douglass Houghton, for one q'rs salary, as geologist, ending May 31st, at $2,000 per annum,	500 00	
		" C. C. Douglass, for one q'rs salary, as assistant geologist, ending 31st May, at $800 per annum,	200 00	
		" Belah Hubbard, for one q'rs salary, assistant geologist, ending 31st May, at $800 per annum,	200 00	
				900 00
	15,	" Douglass Houghton, geologist, for this amount, being half of the fund of $2,600 appropriated in 1838, to defray contingent expenses of his department,		1,300 00
		" T. M. Perry, for newspa-		
		Carried forward,		$18,652 53

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,			$18,652 53
	pers furnished to the legislature,			12 50
June 18,	To paid do interest on penitentiary state stock, half year, due July 1, at Manhattan bank, N. Y.,	$600 00		
	" interest due July 1, 1839, on Detroit and Pontiac railroad stock, at Manhattan bank, N. Y., $100,000 at 6 per cent,	3,000 00		
	" interest due July 1 1839, on $100,000 university state stock, at Manhattan bank, N. Y., at 6 per cent,	3,000 00		
				6,600 00
19,	" James F. Royce, for four days' services as crier supreme court, second judicial circuit,	6 00		
	" George Coombs, for services at the capitol, 105 days, at $1 per day,	105 00		
				111 00
20,	" S. B. Brophy, for 16 days' attendance as witness, before investigating committee of the house, at $1 per day,	16 00		
	" B. Cox, for 11 days' attendance as witness before the investigating committee of the house, at $1 per day,	11 00		
				27 00
21,	" Josiah Pierce, register of Shiawassee county, for services as district canvasser, 1 day,			1 50
22,	" Henry Howard for postage paid on official letters and documents received at auditor general's office,			75 00
24,	" James Kingsley, for 1 day's			
	Carried forward,			$25,479 53

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68 022 19

Carried forward,	$68,022 19

State of Michigan, in general account

DR.

		Brought forward,		$25,479 53
		services as senator, session 1838, '39,		3 00
July	1,	To paid do treasurer of Kalamazoo co., for wolf bounties,	$56 00	
		" E. Ransom, for one qr's salary as associate judge, to June 30, at $1,500 per an.,	375 00	
		" Wm. A. Fletcher, for one qr's salary as chief justice, to June 30, at $1,600 per annum,	400 00	
		" E. Farnsworth, for one qr's salary as chancell'r of state, at $1,500 per annum,	375 00	
		" George Morell, for one qr's salary as associate justice, at $1,500 per annum,	375 00	
				1,581 00
	4,	" John D. Pierce, superintendent of public instruction, for one qr's salary, ending June 30, 1839, at $1,500 per annum,		375 00
	6,	" S. T. Mason, for one qr's salary as governor, to June 30, 1839, at $2,000 per an.,		500 00
	15,	" Isaac Wixom, for 27 days' services as member of the committee of investigation on the accounts of J. B. Hunt, late commissioner of internal imp't, and travel,	87 00	
		" John Norton, for one day's attendance as witness before com. of investigation,	1 00	
		" L. S. Humphrey, for three days attendance and travel as witness before committee of investigation,	7 00	
		" Justus Goodwin, for 24 days' services and travel as member of the committee of in-		
		Carried forward,	$95 00	$27,938 53

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,			$27,938	53
	vestigation, on the accounts of J. B. Hunt,		111 00		
				206	00
July	16, To paid do O. Marsh, for services attending on committee of investigation on the accounts of J. B. Hunt, and summoning witnesses,			42	87
	" S. Humes Porter, for services as secretary of the committee of investigation on the accounts of J. B. Hunt, 24 days, at $2 per day,		48 00		
	" Samuel Philips, for 1 day's attendance as witness before com. of investigation,		1 00		
	" Henry Howard, for one days' services as witness before com. of investigation,		1 00		
				50	00
	" Edward Clark, for services as brigade inspector, for 1838,			16	00
	17, " Anthony Ten Eyck, for taking depositions, at the request of the board of intern'l impr'vem'nt commission'rs,		8 58		
	" William Hill, for repairs on Governor's room, in 1838,		21 38		
	" P. O. Whitman, for services as a witness before committee of investigation on the accounts of J. B. Hunt, two days, and travel,		5 00		
	" Charles W. Whipple, for one quarter's salary as associate justice, to July 16, 1839,		375 00		
	" Jas. Daniel, for two days' services as witness before the committee of investigation on accounts of J. B. Hunt,		3 00		
	Carried forward,	$412	96	$28,253	40

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,		$412 96	$28,253	40
July 17,	To paid do Tracy McCraken, for three days' attendance as witness before committee of investigation on the accounts of J. B. Hunt,	3 00			
				415	96
	" Jas. Cahoon, attendance before the committee of investigation of the board of internal improvement, 2 days, and travel,			4	00
20,	" Benj. Porter, for services as agent of state prison 86 days, to June 24, 1839, at $1,000 per annum,	186 30			
	" Ira A. Reed, for services as deputy keeper of state prison, from 17th of April to July 12, 1839, 83 days, at $500 per annum,	113 15			
	" G. W. Gorham, for visits and medicine furnished for convicts at state prison from 25th May to 24th June, '39, inclusive,	25 00			
	" Peter Morey, for 1 day's attendance as a witness on committee of investigation on the ac'ts of Jas. B. Hunt, commissioner,	1 00			
				325	45
22,	" E. P. Gardner, for publishing general order of adjutant general in Michigan Argus,	25 00			
	" A. M. Gould, for services copying bill of chancery for investigating committee upon Washtenaw bank,	3 00			
	" Bates, Walker & Douglass, for New York Journal of Commerce, ac't furnished legislature,	3 75			
	Carried forward,		$31 75	$28,998	81

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,	$31 75	$28,998 81	
July 22,	To paid do James Saunders, for services attending the chancery and supreme courts, 19 days, as sheriff, at $2 per day,	38 00		
				69 75
25,	" Amasa Bagley for 4 days' attendance as a witness in the case of Judge Morell,	3 50		
	" A. Barber, 6 days' attendance as a witness in the case of Judge Morell, and mileage,	4 50		
	" A. Smolk, for 2 days' attendance as a witness before the committee of investigation on accounts of J. B. Hunt,	2 00		
				10 00
	" A. H. Adams, for two days' attendance as witness before committee investigating J. B. Hunt's accounts,	2 00		
	" John M. Berrien, for 2 days' attendance, and 80 miles travel, as witness before the committee investigating J. B. Hunt's accounts,	6 00		
				8 00
27,	" Britt & Brown, for publishing general orders of adjutant general,	25 00		
	" C. R. Ganson, for services as clerk of state prison 26 days, at $500 per annum,	77 78		
				102 78
29,	" Joseph Hutchin, for services as sheriff of Kalamazoo co., attending on court of chancery, in the 3d circuit,			16 00
30,	" Isaac S. Rowland, for 1 qr's salary as adjutant general Michigan militia,			31 25
31,	" treasurer of Macomb county			
	Carried forward,		$29,236 59	

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,		$29,236	59
	for wolf bounties,	$124 00		
July 31,	To paid do D. C. McKinstry, for 3 days' attendance on committee investigating accounts J. B. Hunt, as a witness, and sixty miles travel,	5 00		
			129	00
Aug. 1,	" Henry Howard, for one qr's salary as auditor general, ending July 31, 1839, at $1,000 per annum,	250 00		
	" Peter Desnoyers, for one qr's salary as state treasurer, ending July 31, 1839, at $800 per annum,	200 00		
			450	00
	" A. E. Hathon, for attendance as witness before committee to investigate the location of the northern and southern railroads, and attendance before committee on James B. Hunt's accounts,		2	06
3,	" Thomas O. Hill, for one day's attendance before committee investigating J. B. Hunt's accounts,		1	00
5,	" S. McKnight, P. M., for bank commissioner's postage account, from Febr'y 4, 1838, to March 29, 1839,		29	87
6,	" Kent county, for wolf bounty certificates,		136	00
7,	" A. Howland, for one day's pay as member house of representatives,	3 00		
	" County of St. Clair, for wolf bounty certificates,	292 00		
			295	00
8,	" F. H. Steevens, for one day's attendance as witness before committee investigating J.			
	Carried forward,		$30,279	52

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,			$30,279 52
	B. Hunt's ac'ts,	$1 00		
Aug. 8,	To paid do N. D. Curtiss, for money expended in investigating affairs of the banks of Washtenaw and Clinton,	16 00		
				17 00
9,	" Horace Stevens, for attendance and forty miles travel, as witness before committee investigating ac'ts of Jas. B. Hunt,			4 00
10,	" J. M. Cummings, for services inspecting five battalions of Michigan militia,			25 00
12,	" R. Manning, for 1 q'rs salary as secretary of state, ending Aug. 8, 1839, at $1,000,	$250 00		
	less, fee received in the office,	25 67		
			234 33	
	" R. W. Ballard, for services and expenses of himself and Levi Bunt, in apprehending a fugitive from justice,		131 20	
				355 53
17,	" J. E. Schwarz, for services as adjutant general 15 days, to April 15, 1839, at $125 per annum,			5 25
20,	" E. B. Harrington, for 1 q'rs salary as reporter of the supreme court and court of chancery, at $600 per annum,			150 00
23,	" Michigan state bank, for this amount advanced J. L. H. Hayes special messenger to counties of Ingham, Eaton, Kent and Ottowa, to receive the returns of votes given at the general elec-			
	Carried forward,			$30,836 30

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account.

DR.

	Brought forward,			$30,836 30
	tion in said counties for representative to congress,	$72 37		
	less, amount paid,	22 37		
				50 00
Aug. 26,	To paid do St. Clair county, for this amount on ac't of am't due said county for taxes returned to the auditor general's office for 1836, 1837 and 1838,			14,000 00
	" this amount charged county of St. Clair, credited to delinquent tax fund, being for 41 days int'st on $11,000 state bonds, dated July 15, 1839, sold to St. Clair bank,	$87 68		
	" St. Clair county, this amount charged St. Clair county, expenses on $11,000 state bonds, sold bank of St. Clair,	3 30		
				90 00
27,	" John S. Bagg, for 211 copies revised statutes, at $2 30 each,	$485 30		
				424 00
	Less, amount paid June 1,	61 30		
28,	" Horace Galpin, assignee, for two reams paper furnished legislature of 1838,	16 00		
	" S. Humes Porter, for 1 q'rs salary as private secretary to the governor, ending 26th Aug., 1839,	125 00		
				141 00
Sept. 2,	" Geo. H. Bull, for 1 q'r years' salary as assistant botanist, ending Aug. 31,	200 00		
	" Peter Morey, for 1 q'rs salary as attorney general ending Aug. 31, 1839, at			
	Carried forward,		$200 00	$45,542 28

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19

Carried forward,	$68,022 19

State of Michigan, in general account,

DR.

		Brought forward,	$200 00	$45,542	28
		$500 per annum,	135 00		
				325	00
Sept.	2,	To paid do C. C. Douglass, ass't geologist, for one qr's salary, ending Aug. 31, 1839, at $800,	200 00		
		" Douglass Houghton, for one q'rs salary as geologist, ending Aug. 31, 1839, at $2,000,	500 00		
		" Bela Hubbard, for 1 q'rs salary as assistant geologist, ending Aug. 31, 1839, at $800,	200 00		
		" S. W. Higgins, for one quarter's salary as topographer, ending Aug. 31, 1839, at $1,000,	250 00		
				1,150	00
		" S. Van Nest, for services and traveling expenses, as witness before committee investigating location of the northern and southern railroads, in 1838,		5	12
	4,	" Robert Elliott, for packing boxes for secretary of state's office,		39	00
		" James Bucklin, for expenses in calling out the militia, to support the laws of neutrality,		35	00
	9,	" Amos Lay, for maps furnished the state library, appropriated in 1839,		32	50
	11,	" A. B. Newcomb, for services as witness before committee investigating the case of George Morell, 1837,		4	00
	12,	" Ingham county, for wolf bounty certificates,		48	00
	14,	" Cass county, for wolf bounty certificates,	8 00		
		Carried forward,	$8 00	$47,180	90

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,			$8 00	$47,180 90
Sept.	14, To paid do Cass county for wolf bounty certificates,		40 00		
	" Williams & Cole, for setting glass at the capitol,		3 13		
					51 13
	" Albany Argus, for Daily Argus furnished members of the legislature.				17 00
	16, " C. J. Walker, for printing military orders, and notice of commissioners of state prison meeting,		27 50		
	" Kalamazoo county, for wolf bounty certificates,		56 00		
					83 50
	21, " True P. Tucker, for attendance as witness before committee of investigation of J. B. Hunt's accounts, eight days and travel,				14 20
	23, " Branch county, for wolf bounty certificates,		44 00		
	" David W. Fiske, for sperm candles, &c.,		5 25		
					49 25
	26, " H. Howard, for postage on letters and returns of delinquent taxes,				58 81
Oct.	1, " Ep. Ransom, for one quarter's salary as associate justice of the supreme court, for q'r ending Sept. 30, at $1,500 per annum,		375 00		
	" George Morell, for one q'rs salary as associate justice of supreme court, q'r ending Sept. 30, 1839, at $1,500 per annum,		375 00		
	" Wm. A. Fletcher, for one q'rs salary as chief justice, ending Sept. 20, 1839, at $1,600,		400 00		
	Carried forward,		$1,150 00	$47,454	79

with Peter Desnoyers, Treasurer,

CR.

Brought forward,	$68,022 19

Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,	$1,150 00	$47,454 79	
Oct.	1, To paid do E. Farnsworth, for 1 q'rs salary as chancellor, ending Sept. 30, 1839, at $1,500,	375 00		
			1,525 00	
	4, " John D. Pierce, for one q'rs salary as sup't of public instruction, ending Sept. 30, 1839, at $1,500 per annum,	375 00		
	" G. W. Gorham, for visits and medicine furnished convicts of the state prison, from June 24, to Aug. 21, 1839,	37 98		
	" Joseph S. Ward, for one q'rs salary as clerk of state prison, from June 8th to Sept. 8th, 1839, at $500 per ann.,	125 00		
			537 98	
	12, " Treasurer of Van Buren county, for wolf bounties,		76 00	
	18, " James Saunders, for expenses in apprehending fugitives from justice,	115 00		
	19 days' services as sheriff of Washtenaw county,	57 00		
			172 00	
	" C. W. Whipple, for one q'rs salary as associate justice of supreme court, ending Oct. 16, 1839,	375 00		
	" Isaac S. Rowland, for one q'rs salary as adjutant general, ending Oct. 15, 1839, at $125 per annum,	31 25		
			406 25	
	21, " M. Y. Turrill, for services and money expended in apprehending Peter Ulrick, a fugitive from justice,		138 32	
	22, " Geo. W. Gorham, for medicines furnished and attendance on convicts in state			
	Carried forward,		$50,310 34	

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

		Brought forward,			$50,310 34
		prison,			17 00
Oct.	23,	To paid do, interest on $100,000 state stock issued May 1, 1836, one half year, due Nov. 1, '39, at Phœnix bank N. Y., at 6 per cent.,	$3,000 00		
		" half year's interest on $20,000 Palmyra and Jacksonburg railroad stock, due November 1, 1839, at 7 per cent,	700 00		
				3,700	00
	24,	" N. W. Metcalf, in full for compensation as a witness before the committee of investigation on the southern railroad,		14	00
	29,	" S. T. Mason for q'r year's salary as governor, from July 1 to Sept. 30, at $2,000 per annum,		500	00
	31,	" E. Booth, for two days' attendance on Geo. Morell's trial as a witness,	1 00		
		" David B. Wilcox, for q'r y'rs salary as deputy keeper of the state prison, ending Oct. 23d, 1839, at $500 per annum,	125 00		
				126	00
Nov.	1,	" Dorr, Webb & Co., transportation and charges on books,	7 95		
		" Peter Desnoyers, q'r year's salary, state treasurer, from Aug. 1 to Oct. 31, inclusive, $800 per annum,	200 00		
		" Henry Howard, q'r year's salary aud. general, from Aug. 1 to Oct. 31, inclusive, $1,000 per annum,	250 00		
				457	95
		Carried forward,		$55,125	29

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19

Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,			$55,125 29
Nov. 8,	To paid R. Manning, q'rs salary from Aug. 8 to Nov. 7, inclusive, $1,000 per annum, less fees,			237 91
11,	" Joseph S. Ward, q'r year's salary, clerk of board of inspectors of state prison up to 9th of September, $100 per annum,	$25 00		
	" J. H. Titus, q'r year's salary from June 8 to Sept. 7, '39, state prison agent, $1,000 per annum,	250 00		
	" D. B. Hubbard, for pursuing convict who escaped from state prison,	24 38		
	" Benj. Porter, for paid sheriff fees and state prison ac'ts,	24 75		
				324 13
12,	" G.W. Gorham, medicine and attendance on prisoners in state prison, from Aug. 4 to Oct. 31, 1839,	16 03		
	" John D. Pierce, attendance before committee in the senate, including travel fees,	45 00		
				61 03
16,	" E. B. Harrington, one q'rs salary as rep't'r of supreme and chancery court, at $600 per annum,			150 00
18,	" C.C. Douglass, locating state and saline lands,			14 50
21,	" Monroe county, their proportion arising from sale of tax stocks,			1,038 00
23,	" Macomb county, their proportion arising from sale of tax stocks,			310 00
25,	" Martin S. Brackett, attendance and travel,	11 75		
	Carried forward,	$11 75		$57,260 86

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Carried forward,	$68,022 19

State of Michigan, in general account

DR.

	Brought forward,	$11 75	$57,260	86
Nov. 25,	To paid do Lapeer county, wolf bounties,	86 00		
	" interest on university state bonds,	3,000 00		
	" interest on Detroit and Pontiac railroad stock,	3,000 00		
	" interest on penitentiary state stock,	1,200 00		
	" do do do	600 00		
			7,897	75
26,	" Collins, Keese & Co., books furnished the state library,		961	01
27,	" Wayne county, their proportion arising from sale of tax stocks,	252 00		
	" Washtenaw county, their proportion arising from sale of tax stocks,	194 00		
	" S. Humes Porter, salary as private secretary, $500 per annum,	125 00		
			571	00
28,	" Z. Platt, advances for pursuing convict escaping from prison,	15 00		
	" Allen Bennett, 13 days' services as inspector of state prison, at $2 per day,	26 00		
	" C. Backus, 14 days' attendance inspector state prison, $2 per diem,	28 00		
	" R. B. Rexford, 13 days' attendance as inspector of state prison, $2 per day, $26 00			
	176 miles travel, 17 60			
		43 60		
	" Lenawee county, their proportion arising from sale of tax stocks,	549 00		
	" Livingston county, their proportion arising from sale of			
	Carried forward,	$661 60	$66,690	62

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19

Carried forward,	$68,022 19

State of Michigan in general account

DR.

	Brought forward,	$661 60	$66,690	62
	tax stocks,	395 00		
			1,056	60
Nov. 22,	To paid do Lapeer county, their proportion arising from the sale of tax stocks,		1,956	00
30,	" this amount over draft in Michigan state bank, by H. Howard, late treasurer,	5,012 74		
	" this amount late treasurer's check, drawn Jan. 4, 1839, in favor of Thos. Beals, for draft drawn on late treasurer by superintendent public instruction, in favor of Saginaw county,	10,350 00		
			15,362	74
			$85,065	96
Nov. 30,	Balance,		$17,043	77

STATE TREASURER'S OFFICE,
Detroit, Nov. 30, 1839.

P. DESNOYERS,
Treasurer.

with Peter Desnoyers, Treasurer.

CR.

Brought forward,	$68,022 19
Balance,	17,043 77
	$85,065 96

State of Michigan, in account with Henry Howard,
DR.

1839.					
Jan. 1,	To paid warrant favor G. O. Leech,		$500 00		
2,	" paid 7 warrants favor L. S. Humphrey, acting commissioner, of $5,000 each,		35,000 00		
4,	" paid warrant favor A. H. Adams,		84 34		
	" paid 2 warrants favor E. H. Lathrop, $5,000 each,		10,000 00		
					$45,584 34
5,	" do favor J. S. & S. A. Bagg,		126 26		
8,	" do E. H. Lathrop, acting commissioner,		5,000 00		
	" do J. B. Hunt, do		5,000 00		
	" do L. S. Humphrey, do		28,000 00		
					38,126 26
10,	" do J. M. Barbour, do		431 00		
14,	" do L. S. Humphrey, do		32,328 09		
					32,759 09
15,	" do E. H. Lathrop, do		411 12		
	" do Wm. A. Burt, do		5,000 00		
	" do H. Gilbert, do		5 00		
					5,416 12
16,	" do contingent fund,		425 00		
18,	" do Wm. A. Burt, do		256 37		
19,	" do E. H. Lathrop, do		427 27		
	" do L. S. Humphrey, do		20,000 00		
					21,108 64
22,	" do Detroit Morning Post,		6 00		
23,	" do J. Forsyth,		5 00		
25,	" do S. McKnight,		30 12		
					41 12
26,	" 2 do J. B. Hunt, $5,000, 104 16		5,104 16		
Feb. 1,	" do Dr. Houghton,		5,000 00		
	" do E. H. Lathrop,		455 80		
	" do do		5,000 00		
					15,559 96
7,	" do A. H. Adams,		250 01		
	" 3 do E. H. Lathrop, $5,000 each,		15,000 00		
	" 2 do do $2,046 21, 104 16		2,150 37		
	Carried forward,		$17,400 38		$158,595 53

Treasurer of Internal Improvement fund.

CR.

1839.				
Jan. 1,	By balance from last year,		$585,986	68
14,	" this amount received of L. B. Mizner, acting commissioner, balance unexpended in his hands,	$93 72		
25,	" this am't J. A. Armstrong, for his expenses to Washington, as special messenger to transport weights, erroneously included in auditor general's warrant of $425	100 00		
			193	72
Mar. 8,	" this amount received of Wm. A. Burt, commissioner, by his check for balance of his account in the Michigan state bank,		1,324	72
April 3,	" the following drafts drawn by auditor general on R. Withers, Esq., cashier bank of the state of New York, on account of July 1, 1839, instalment of five million loan due from the Morris canal and banking company and United States bank, as follows, viz:			
	1 draft payable July 1, 1839, for $50,000 00			
	1 do do 17,500 00			
	7 do of $20,000 each, payable July 1, 1839, 140,000 00			
		207,500 00		
	Deduct charge of the bank of Michigan to credit of sinking fund,	7,500 00		
	Leaving to the credit of internal improvement fund, being so much of principal of the July payment of $250,-			
	Carried forward,		$587,505	12

State of Michigan, in account with Henry Howard,

DR.

		Brought forward,	$17,400 38	$158,595 53	
Feb.	7,	To paid do Thos. Plues,	4,000 00		
		do J. B. Hunt, A. C.,	5,000 00		
				26,400 38	
	11,	do Wm. A. Burt, do	5,000 00		
		do E. H. Lathrop, do	61 62		
		do J. B. Hunt, do	5,000 00		
				10,061 62	
		do L. B. Mizner,	93 00		
	12,	do sundry persons favor.			
		Michigan state bank,	4,480 66		
				4,573 66	
	15,	To paid wr'nt favor W.A.Burt,	104 17		
		do John S. & Silas A. Bagg,	33 00		
		do E. H. Lathrop,	395 28		
		do do	239 00		
		do L. S. Humphrey,	15,111 03		
				15,882 48	
	20,	do A. T. Hall,	250 00		
	21,	do E. H. Lathrop,	5,000 00		
		do do	498 74		
		do D. C. McKinstry,	520 84		
		do do	1,836 73		
		do Jas. B. Hunt,	5,000 00		
				13,106 31	
Mar.	14,	do Rix Robinson,	78 00		
April	4,	do Wm. A. Burt,	5,000 00		
				5,078 00	
		do E. H. Lathrop,	543 07		
		do do	26 92		
		do do	5,000 00		
		do do	67 51		
		do do	722 70		
		do do	385 74		
		do do	562 92		
		do do	154 00		
				7,462 86	
		do A. H. Adams,	100 00		
		do do	100 00		
	5,	do Jas. B. Hunt,	5,000 00		
		do E. H. Lathrop,	5,000 00		
				10,200 00	
		Carried forward,		$251,360 84	

Treasurer of Internal Improvement fund.

CR.

	Brought forward,			$587,505 12
	000, due from the U. States bank and Morris canal and banking company,			200,000 00
April	4, By this amount returned by Jas. B. Hunt, com'r deposited to his credit in the Michigan state bank,			4,192 40
	10, " Gov. Mason's three several sets of exchange, drawn on the Morris canal and banking co., at 90 days' date, from April 1, favor of bank of Michigan, being balance due on March and April payments, 1839, of five million loan, as per Morris canal and banking company's statement, rendered governor Mason, viz:			
	two drafts of $10,000 each,	$20,000		
	one do	8,180		
			28,180 00	
	11, " this amount rec'd of E. H. Lathrop, acting commissioner, his check for balance of his account, in Michigan state bank,		1,316 63	
				29,496 63
	30, " overcharge on warrant issued to Messrs. J. S. & S. A. Bagg, and charged Jan. 5, 1839.			6 00
	Carried forward,			$821,200 15

State of Michigan, in account with Henry Howard,
DR.

		Brought forward			$251,360 84
April 6,	To paid 4 do	L. S. Humphrey, $5,000 each,	$20,000 00		
8,	do	do	5,000 00		
9,	3 do	E. H. Lathrop, 2 of $5,000, 1 of $89 62	10,089 62		
	do	Rix Robinson,	3,295 67		
					38,385 29
	do	Wm. A. Burt,	5,000 00		
	do	do	220 62		
	do	L. S. Humphrey,	1,041 66		
					6,262 28
11,	do	Jas. B. Hunt,	5,000 00		
	do	E. H. Lathrop,	5,000 00		
	do	Thos. Clarke,	225 00		
15,	do	E. H. Lathrop,	5,000 00		
					15,225 00
	do	do	1,316 63		
	do	do	208 33		
	do	Jas. B. Hunt,	5,000 00		
	do	L. S. Humphrey,	5,000 00		
					11,524 96
19,	do	Jas. B. Hunt,	5,000 00		
	do	E. H. Lathrop,	5,000 00		
	do	Wm. A. Burt,	2,697 52		
					12,697 52
	do	drawn to defray current expenses of the state out of United States surplus, merged in this fund,			80,000 00
22,	"	paid 3 warrants favor L. S. Humphrey, of $5,000 each,	15,000 00		
	"	p'd wr'nt favor gov. Mason,	50 00		
					15,050 00
23,	do	L. B. Mizner,	183 00		
24,	do	S. McKnight,	24 95		
					207 95
26,	do	E. H. Lathrop,	$2,175 60		
		Less this amount receipted for,	1,400 00		
				875 60	
		Carried forward,		$875 60	$430,713 84

Treasurer of Internal Improvement fund.

CR.

Brought forward,	$821,200 15
Carried forward,	$821,200 15

State of Michigan, in account with Henry Howard,

DR.

	Brought forward,	$875 60	$430,713	84
April 26,	To paid warrant favor of E. H. Lathrop,	76 34		
			951	94
27,	do Morris canal and banking company,	1,070 01		
	" paid warrant favor H. Alden, late com'r,	402 50		
29,	do J. B. Hunt,	285 85		
	do L. S. Humphrey,	1,500 00		
			3,261	36
30,	do J. Burdick,		51	00
	" this amount charged to Peter Desnoyers, treasurer internal improvement fund,		386,222	01
			$821,200	15

H. HOWARD,
Treasurer.

April 30, 1839.

Treasurer of Internal Improvement fund.

CR.

Brought forward,	$821,200 15
	$821,200 15

State of Michigan, in account with Peter Desnoyers,

DR.

1839.					
		For paying the following warrants, viz:			
May	1,	To Robert Abbott,			$226 30
	2,	" Ypsilanti and Tecumseh railroad company, out of October instalment of 5 million loan,			15,000 00
		" Rix Robinson, commission'r,	$7,000 00		
		" Wm. R. Thompson, do	12,000 00		
		" L. S. Humphrey, acting commissioner, advance, by order of the board of commissioners,	7,000 00		
		" Rix Robinson, commissioner, for salary to April 20, 1839,	767 35		
					26,767 35
	3,	" Rix Robinson, acting commissioner Sault Ste Marie canal,			5,000 00
	4,	" L. S. Humphrey, acting commissioner, advance, by order of the board of commissioners,	12,000 00		
		" A. H. Adams, for 1 months' salary,	100 00		
		" A. H. Adams, for stationery for internal improvement office,	2 50		
		" Phebe P. Brown, for damage and loss of furniture on railroad,	205 25		
					12,307 75
	6,	" L. S. Humphrey, commissioner southern railroad,			5,000 00
	8,	" Douglass Houghton, state geologist,			5,000 00
	16,	" D. B. Wakefield, for services as commissioner, to appraise damages,	30 00		
		" Samuel Philips, for services as commissioner to appraise			
		Carried forward,	$30, 00		$69,301 40

Treasurer of Internal Improvement fund.

CR.

1839.				
May	1,	By this amount received by late treasurer's check on Michigan state bank,		$364,322 17
		" this amount received by late treasurer's check on bank of Michigan,		21,899 84
	4,	" five drafts of $10,000 each, drawn by auditor general on the cashier of the Morris canal and banking company, N. Y., on account of the October instalment of the five million loan,		50,000 00
	17,	" this amount of drafts drawn by auditor general on the Morris canal and banking company, N. Y., to the order of L. S. Humphrey, drawn on account the Oct. instalment of the five million loan, at 30 days' sight, after the 1st of October next, as follows, viz:		
		4d rafts of $10,000 each,	$40,000 00	
		7 do 5,000	35,000 00	
				75,000 00
		" this amouut of drafts drawn by aud'r general on the Morris canal and banking company, N. Y., to the order of L. S. Humphrey, at thirty days' sight after the 1st of October next,		3,000 00
	20,	" this amount transfer from sinking fund, made agreeable to resolution of the legislature, passed April 20, 1839,		39,142 48
June	7,	" auditor general's two drafts, of ten thousand doll's each, dated June 1, drawn in favor of bank of Michigan on		
		Carried forward,		$553,364 49

State of Michigan, in account with Peter Desnoyers,

DR.

	Brought forward,		$30 00	$69.301 40
	damages,		21 00	
				51 00
May 17,	" L. S. Humphrey, warrants No. 154, 156, 157, 158, 159, 163 and 164,			78,646 06
21,	" Wm. A. Burt, for services,			338 59
June 4,	" A. H. Adams, secretary, for salary,			94 79
5,	" Wm. R. Thompson, acting commissioner, advance,		12,000 00	
	" James B. Hunt, balance due him,		100 66	
				12,100 66
8,	" Wm. R. Thompson, acting commissioner, for locomotive engine for central railroad,			7,100 00
12,	" A. H. Adams, secretary,			315 00
	" Wm. R. Thompson, acting com'r, two warrants,			24,000 00
14,	" Wm. R. Thompson, commissioner,		12,000 00	
	" William A. Burt,		366 13	
				12,366 13
26,	" Wm. R. Thompson, do		5,000 00	
	" L. S. Humphrey, do		5,000 00	
				10,000 00
July 15,	" A. H. Adams, secretary,			83 33
16,	" Rix Robinson, commissioner,	$272 33		
	Less this amount for utensils,	8 50		
				263 83
19,	" Rix Robinson, commissioner,		12,000 00	
	" L. S. Humphrey, acting commissioner,		7,000 00	
	" Wm. R. Thompson, acting commissioner,		7,000 00	
	" Rix Robinson, commissioner,		8,000 00	
	Carried forward,		$34,000 00	$214,660 79

Treasurer of Internal Improvement fund.

CR.

	Brought forward,			$553,364 49
	Morris canal and banking company, at 30 days' sight after October 1, 1839,			20,000 00
June 13,	By this amount auditor general's drafts drawn on Morris canal and banking company, in favor of bank of Michigan, payable 30 days after October 1, viz;			
	3 drafts of $5,000 each,	$15,000 00		
	2 do 10,000 do	20,000 00		
				35,000 00
22,	" this amount auditor general's drafts for $10,000, in favor of bank of Michigan,			10,000 00
July 16,	" auditor general's drafts on Morris canal and banking company,			10,239 17
19,	" this amount auditor general's drafts on R. Withers, trustee, on January instalment of 5 million loan, viz:			
	7 drafts of $5,000 each,			35,000 00
23,	" this amount of drafts drawn by auditor general on R. Withers, trustee, on Jan'y instalment of 5 million loan,			
	viz: 6 d'fts of $5,000 each,	30,000 00		
	1 do 3,000 do	3,000 00		
				33,000 00
Nov. 30,	" transfer from sinking fund,	6,327 95		
	" do do do	36,673 78		
				43,001 73
	" this amount paid Morris canal and banking company, 30 days' time, or one half per cent on $257,500, paid July 1, 1839, 30 days in advance, as per sub-contract of November, 1838,	1,287 50		
	Add 7 months' interest for			
	Carried forward,	$1,287 50		$739,605 39

State of Michigan, in account with Peter Desnoyers,

DR.

	Brought forward,	$34,000 00	$214,660 79	
July 19,	To paid do B. Briscoe, for right to use his spark arrester,	1,000 00		
			35,000 00	
23,	" L. S. Humphrey, 8 warr'ts,		28,014 11	
25,	" Wm. R. Thompson, for salary,		350 00	
26,	" post office, for postage account,		16 20	
30,	" L. S. Humphrey, for salary,		350 00	
Aug. 2,	" A. H. Adams, secretary,		83 33	
3,	" Wm. R. Thompson, commissioner, 2 warrants,		15,000 00	
23,	" L. S. Humphrey, commissioner,		2,115 34	
Sept. 10,	" Wm. R. Thompson, com'r,		1,000 00	
14,	" do	340 00		
	" do 4 w'rnts,	4,000 00		
			4,340 00	
18,	" Rix Robinson, for 2 months' salary, to Aug. 13, 1839,	233 33		
	" A. H. Adams, for 1 month's salary as clerk of board of commissioners.	83 34		
			316 67	
Oct. 25,	" Wm. R. Thompson, com'r,		275 13	
Nov. 30,	" Levi S. Humphrey, do		30 60	
	" the following sum of interest on the instalments of $5,000,000 loan, carried to the credit of the internal improvement fund, as follows, viz:			
	" this amount of interest, on deposite, in hands of the Morris canal and banking company, forming a part of the sum of $28,180, to cr'dt of internal impro'nt fund,	5,180 00		
	" this amount of interest on October payment,	11,250 00		
			16,430 00	
	Carried forward,		$317,982 18	

Treasurer of Internal Improvement fund.

CR.

	Brought forward,	$1,287 50		$739,605	39
	draft on Jan. 1, 1840, instalment, paid 30 days thereafter,	45 05			
				1,332	55
Nov. 30,	By this amount paid, being interest on the 5,000,000 loan, payable in N. Y., 6 per cent., July 1, 1839,	150,000 00			
	" this amount paid interest and commissions, to convert time drafts into cash funds, July 1, 1839,	2,110 69			
				152,110	69
	" this amount paid Morris canal and banking company account, July 1, 1838, 2 mos. int. on $1,300,000 from May 1,	13,000 00			
	Jan. 1, 1839, 6 mos. int. 1,300,000 from July 1,	39,000 00			
	2½ per cent. commission, on $5,000,000,	125,000 00			
				177,000	00

Carried forward,		$1,070,048 63

State of Michigan, in account with Peter Desnoyers,

DR.

Brought forward,	$317,982 18
Balance,	752,066 45
	$1,070,048 63

Treasurer of Internal Improvement fund.

CR.

Brought forward,	$1,070,048 63
	$1,070,048 63
Nov. 30, Balance,	$752,066 45

STATE TREASURER'S OFFICE,
Detroit Nov. 30, 1839.

PETER DESNOYERS,
State Treasurer.

State of Michigan, in account with Henry

DR.

1839.		
April 4,	To paid warrant favor Cha's C. Trowbridge, cashier bank of Michigan,	$3,000 00
	Carried forward,	$3,000 00

Howard, Treasurer of Sinking fund.

CR.

1839.					
Jan. 1,	By balance from last year,			$80,562	45
3,	" this amount rec'd of Thomas Clarke, collector at Ypsilanti,	$284	22		
	" this amount rec'd of Amos T. Hall, collector at Detroit,	287	29		
				571	51
8,	" do of A. T. Hall, collector,	330	97		
10,	" do of Thos. Clarke, do	287	76		
				618	73
14,	" do of Ypsilanti and Tecumseh railroad company, interest due on $60,000, on 1st instant,	1,530	00		
17,	" cash rec'd of Thos. Clarke,	272	44		
	do A. T. Hall,	790	81		
				2,593	25
23,	" the following sums received of Amos T. Hall, viz:				
	in current funds, $199 14				
	in Ypsilanti bills, 253 00				
		452	14		
24,	" this amount received of Thos. Clarke, viz:				
	in current funds, $243 88				
	in Ypsilanti bills, 51 00				
		294	88		
				747	02
30,	" am't rec'd of Amos T. Hall,	433	74		
31,	do Thos. Clarke,	308	62		
Feb. 6,	do Amos T. Hall,	380	45		
8,	do Thos. Clarke,	252	14		
				1,374	95
13,	do Amos T. Hall,	359	46		
14,	do Thos. Clarke,	236	29		
				595	75
20,	do Amos T. Hall,	316	01		
21,	do Thos. Clarke,	260	62		
				576	63
28,	do certificates of deposite in bank of Michigan,	393	17		
	Carried forward,	$393	17	$87,640	29

State of Michigan, in account with Henry

DR.

Brought forward,	$3,000 00
Carried forward,	$3,000 00

Howard, Treasurer of Sinking fund.

CR.

	Brought forward,	$393 17	$87,640 29	
Mar. 1,	By this amount rec'd of Thomas Clarke, per certificate of deposite in bank of Michigan,	274 32		
			667 49	
5,	" do of Amos T. Hall per do,	312 87		
11,	" do of Thos. Clarke, 3 several certificates of deposite in the bank of Michigan, $67 51, $177 84, $78 84,	324 09		
			636 96	
13,	" do of Amos T. Hall, by certificate of deposite in bank of Michigan,	383 74		
14,	" do of Thos. Clarke, deposite of the 7th instant,	5 00		
			388 74	
	" do of do, 3 certificates of deposite in bank of Michigan, $91 22, $26 92, $159 33,	277 47		
20,	" do of Amos T. Hall, certificate of deposite,	300 55		
			578 02	
21,	" do of Thos. Clarke, per do, $185 50 105 00	290 50		
27,	" do of A. T. Hall, per do	259 10		
			549 60	
28,	" do of Thos Clarke, per do,	352 75		
April 3,	" do of A. T. Hall, $332 17 " his check on bank of Michigan, 49 91	382 08		
			734 83	
4,	" this amount rec'd of Thomas Clarke, certificate of deposite,	306 35		
	" this am't, being 6 months interest on $250,000, instalment of 5,000,000 loan due July 1, 1839, from U. S.			
	Carried forward,	$309 35	$91,195 93	

State of Michigan, in account with Henry

DR.

	Brought forward,	$3,000 00
April 30,	Balance carried down,	98,412 00
		$101,411 00
April 30,	To this amount charged to P. Desnoyers, treasurer, transferred to him as per his receipt,	$98,411 00

Howard, Treasurer of Sinking fund.

CR.

	Brought forward,		$91,195	93
	bank, and Morris canal and banking company, interest from Jan. 1 to July 1, 1839, at 6 per cent, is	$7,500 00	7,806	35
10,	" this am't rec'd of Amos T. Hall, his check on the bank of Michigan,	742 99		
11,	" do of Thomas Clarke,	569 57	1,312	56
17,	" do of Amos T. Hall,	584 23		
18,	" do of Thomas Clarke,	511 93	1,096	16
			$101,411	00

1839.
April 30, By balance brought down, $98,411 00

H. HOWARD, *Treasurer.*

April 30, 1839.

State of Michigan, in account with Peter-

DR.

1839.			
May	2, For payment of the following warrants, viz:		
	To bank of Michigan, for 63 days' interest on $20,199 43, balance of state drafts deposited with that bank April 10, '39, due July 1st and 4th next, at 6 per cent, is	$212	09
	4, " bank of Michigan, for 5 mos. interest on $35,000 from May 1 to Oct. 1, '39, being balance of $50,000 drawn for this day on Morris canal and bank'g co., at 6 per ct,	875	00
	17, " bank of Michigan, for five months 16 days' interest on $75,000, drafts drawn on Morris canal and banking company,	2,075	02
	18, " bank of Michigan, for 5 mos. 15 days' interest on $3,000, drafts drawn on the Morris canal and banking company,	82	50
	20, " internal improvement fund, transfer made agreeable to resolution of the legislature, passed April 20, 1839,	39,142	48
June	7, " bank of Michigan, for 5 mos. 3 days' interest on $20,000, being two drafts for that amount drawn on Morris canal and banking company,	510	00
	14, " bank of Michigan, for 4 mos. 28 days' interest on $35,000, drafts drawn on Morris canal and banking company, at 6 per cent,	863	39
	18, " interest due July 1, on $200,000 state stock, part of $5,000,000 loan, payable at the Phœnix bank, N. Y. to		
	Carried forward,	$43,760	48

Demoyers, Treasurer of Sinking fund.

CR.

1839.				
May 1,	By late treasurer's check on state bank,	$75,816 26		
	" Charles H. Stewart's receipt for this amount as receiver of the Ypsilanti bank,	303 00		
	" this amount in Detroit city bank bills,	37 01		
			$76,156 27	
	" late treasurer's check on bank of Michigan,	10,724 71		
	" Peter Morey, attorney general's receipt for bank of Ypsilanti draft, for collection,	10,000 00		
	" Ypsilanti and Tecumseh rail road company's draft on Mechanics' and Farmers' bank, Albany, dated Jan. 10th, 1839, protested for non-payment,	1,530 00		
			22,254 71	
June 5,	" A. T. Hall, collector of tolls on central railroad,		412 82	
6,	" Thos. Clarke, collector, &c.,		2,422 26	
July 2,	" A. T. Hall, do		294 63	
6,	" Thos. Clarke, do		1,887 52	
19,	" this amount, being for 33 days' interest on $45,000, difference of interest between drafts on R. Withers, payable Oct. 1, exch'd for drafts payable 30 days after Oct. 1st,		247 50	
28,	" this amount, being for 33 days' interest on $60,000, drafts drawn payable Oct. 1, exchanged for drafts payable 30 days after Oct. 1st,		330 00	
Aug. 5,	" this amount, received from A. T. Hall, collector of tolls on central railroad,		125 14	
8,	" do from Thos. Clarke, col-			
	Carried forward,		$104,130 85	

State of Michigan, in account with Peter

DR.

		Brought forward,		$43,760 48
		Oliver Newberry,		6,000 00
	22,	To paid do Bank of Michigan, for 4 months 12 days' interest on draft of $10,000, drawn on Morris canal and banking company,		220 00
July	19,	" bank of Michigan, for 5 mos. and 7 days' interest on 7 drafts of $5,000 each, drawn on R. Withers, on acc't of Jan. instalment of 5 million loan, at 6 per cent,		965 65
	23,	" bank of Michigan, for 5 mos 7 days' interest on auditor general's drafts on R. Withers, payable on 1st Jan. 1840,		863 51
Aug	2,	" bank of Michigan, for 3 mos. int. on $10,239 17 Morris canal and banking company's acceptance, payable Nov. 1, 1839,		153 59
Oct.	7,	" Morris canal and banking company, for 30 days' interest on $237,699 91, being part of October instalment of 5 million loan, made 30 days in advance, at 6 per ct,		1,188 50
Nov.	25,	" interest on state stocks,		6,000 00
	30,	" this amount transferred to internal improvement fund,	$6,327 95	
		" this amount transferred to internal improvement fund,	36,673 78	
				43,001 73
		" this amount to Morris canal and banking company, 30 days' time ½ per cent, on $257,500, paid on July 1, 1839, 30 days in advance, as per sub-contract of Nov., 1838,	1,287 50	
		Carried forward,	$1,287 50	$102,153 46

Denoyers, Treasurer of Sinking fund.

CR.

	Brought forward,			$104,130 85
	lector of tolls, on central railroad,			2,106 79
Sept. 3,	By do from A. T. Hall, collector of tolls on central railroad,			12 72
6,	" do from Thomas Clarke, collector of tolls on central railroad,			519 68
Nov. 6,	" do from Thomas Clarke, collector of tolls on central railroad,	$4,607 41		
	" do from A. T. Hall. collector of tolls on central railroad,	2,646 02		
			7,253 43	
30,	" the following sums of interest on the instalments of $5,000 000 loan, carried to the credit of the internal improvement fund, as follows, viz:			
	" this amount of interest on deposite in hands of the Morris canal and banking company, forming a part of the sum of $28,180, to credit of internal improve'nt fund,	5,180 00		
	" this amount of interest on October payment,	11,250 00		
			16,430 00	
	Carried forward,			$130,453 47

State of Michigan, in account with Peter

DR.

	Brought forward,	$1,287 50	$102,153	46
	Add 7 months' interest for draft on January 1, 1840, instalment, paid 30 days after,	45 05	1,332	55
Nov. 30,	To interest on $5,000,000 loan, payable in New York, 6 per cent, July 1, 1839,	150,000 00		
	" interest and commissions to convert time drafts into cash funds, July 1, 1839,	2,110 69	152,110	69
	" paid Morris canal and banking company's acco't, July 1, 1838, 2 months' inter't on $1,300,000 from May 1,	13,000 00		
	January 1, 1839, 6 months' interest on $1,300,000, July 1,	39,000 00		
	2½ per cent commissions on $5,000,0000,	125,000 00	177,000	00
			$432,596	70
Nov. 30,	Balance,		$302,123	23

Desnoyers, Treasurer, Sinking fund.

CR.

	Brought forward,		$130,453 47
Nov. 30,	By short credit Jan. 30, A. T. Hall, collector,	$10 00	
Mar. 28,	" do Thos. Clarke,	10 00	
			20 00
	Balance,		302,123 23
			$432,596 70

STATE TREASURER'S OFFICE,
Detroit, Nov. 30, 1839,

PETER DESNOYERS,
State Treasurer.

State of Michigan, in account with Henry

DR.

1839.			
Jan.	6,	For warrant paid Nesbitt, for transporting state bonds to New York,	$50 00
	10,	" do John Berry, for writing, copying documents, &c.,	15 00
	22,	" do Stevens & Mather, for stove, stove pipe, &c.,	37 50
	25,	" do Jas. A. Armstrong, for his expenses to Washington, as special messenger to transport weights,	100 00
Feb.	1,	" do for fuel for state treasurer's office,	20 00
Mar.	8,	" do J. S. & S. A. Bagg, for stationery furnished executive office,	27 64
May	1,	" check to Peter Desnoyers, treasurer,	1,197 02
			$1,447 16

Howard, Treasurer Contingent fund.

CR.

1839.			
Jan.	1,	By balance from last year,	$1,022 16
	16,	" internal improvement fund,	425 00
			$1,447 16

H. HOWARD, *Treasurer.*

April 30, 1839.

State of Michigan, in account with Peter

DR.

1839.				
May 2,	For governor's warrant in favor of Detroit post office, for postage on letters and documents for the use of the office of secretary of state, from Dec. 13th, 1838, to March 29, 1839, inclusive,	$36 62		
	" paid warrant favor of Detroit post office for postage accruing on letters and documents for the use of the executive department, from Dec. 13, 1838, to April 25, 1839,	112 49		
			$149	11
June 11,	" do favor Chas. H. Stewart, receiver of the bank of Ypsilanti,		100	00
19,	" do favor Geo. Jasperson, for 6 lbs. sperm candles, for library,		3	00
20,	" do favor Morgan L. Gage, for transporting arms for the use and benefit of the Michigan state guards,		100	00
21,	" do favor Henry Howard, auditor general, to defray his expenses to the city of New York, on business connected with the finances of the state,		300	00
July 15,	" do favor Detroit post office, for postage on letters and documents for secretary of state, from April 1, 1839, to July 10, 1839,	14 26		
	" do favor Detroit post office, for postage on letters, &c., for executive office,	31 13		
			45	39
	" do favor H. L. Whipple, for copying returns of unpaid taxes, to the office of the			
	Carried forward,		$697	50

Desnoyers, Treasurer Contingent fund.

CR.

1839.		
May 1,	By late treasurer's check on Michigan state bank,	$1,197 02
2,	" auditor general's warrant on general fund,	1,500 00
	Carried forward,	$2,697 02

State of Michigan, in account with Peter

DR.

		Brought forward,		$697 50
		auditor general,		135 00
July	25,	To paid do favor Sidney L. Rood, for 15 copies of the journal of the convention to form the constitution,		22 50
Aug.	9,	" fuel for the auditor general's office,		13 00
Nov.	6,	" Detroit post office,	$100 50	
		" do	28 95	
				129 45
	8,	" H. L. Whipple, 1 q'r year's salary in the aud. general's office, $500 per annum,	125 00	
		" John M. Chase, 1 half year's salary in the aud. general's office, $500 per annum,	250 00	
				375 00
		Balance,		1,334 57
				$2,697 02

Dennoyers, Treasurer Contingent fund.

CR.

Brought forward,	$2,697 02
	$2,697 02
Nov. 30, Balance,	$1,334 57

STATE TREASURER'S OFFICE,
Detroit, Nov. 30, 1839.

PETER DENNOYERS,
State Treasurer.

State of Michigan, in account with Peter Desnoyers,

DR.

Brought forward,	$1,118 14
Carried forward,	$1,118 14

Treasurer of Delinquent Tax fund.

CR.

		Brought forward,				$7,470 12
Sept.	2,	By this am't rec'd for delinquent taxes,			$161 04	
	4,	do	do	do	125 12	
	5,	do	do	do	92 00	
	6,	do	do	do	110 00	
	7,	do	do	do	110 00	
	10,	do	do	do	60 00	
	12,	do	do	do	53 58	
	14,	do	do	do	587 20	
	16,	do	do	do	163 00	
	18,	do	do	do	55 00	
	20,	do	do	do	400 00	
	21,	do	do	do	235 00	
	24,	do	do	do	542 00	
	25,	do	do	do	154 88	
	27,	do	do	do	140 00	
	30,	do	do	do	292 67	
						3,281 49
Oct.	1,	do	do	do	30 00	
	2,	do	do	do	376 15	
	3,	do	do	do	95 00	
	4,	do	do	do	86 00	
	5,	do	do	do	35 00	
	6,	do	do	do	64 00	
	8,	do	do	do	98 85	
	9,	do	do	do	125 00	
	10,	do	do	do	607 00	
	11,	do	do	do	239 10	
	12,	do	do	do	170 16	
	14,	do	do	do	100 00	
	16,	do	do	do	174 00	
	18,	do	do	do	133 00	
	21,	do	do	do	75 00	
	22,	do	do	do	50 00	
	23,	do	do	do	37 00	
	24,	do	do	do	387 13	
	25,	do	do	do	40 00	
	29,	do	do	do	253 72	
	30,	do	do	do	182 00	
	31,	do	do	do	36 00	
						2,894 11
		Carried forward,				$13,645 72

State of Michigan, in account with Peter Desnoyer's,

DR.

Brought forward,		$1,118 14
Balance,		15,168 23
		$16,286 37

Treasurer of Delinquent Tax fund.

CR.

		Brought forward,			$13,645 72
Nov,	2,	By this amount received for delinquent taxes,		$107 83	
	5,	do	do	do	329 28	
	6,	do	do	do	80 00	
	7,	do	do	do	287 00	
	9,	do	do	do	182 00	
	11,	do	do	do	176 36	
	13,	do	do	do	162 00	
	15,	do	do	do	147 16	
	18,	do	do	do	51 80	
	20,	do	do	do	132 42	
	21,	do	do	do	49 00	
	22,	do	do	do	78 00	
	26,	do	do	do	108 42	
	28,	do	do	do	92 00	
	30,	do	do	do	147 26	
	30,	do	do	do	159 00	
	30,	do	do	do	351 65	
						2,640 65
						$16,286 37
1839.						
Nov. 30,		Balance,				$15,168 23

STATE TREASURER'S OFFICE,
Detroit, Nov. 30, 1839.

PETER DESNOYERS,
State Treasurer.

State of Michigan, in account with Henry Howard,

DR.

1839.					
Jan. 16,	To paid warrant favor St. Clair county, being proportion due that county, year 1838,	$465 28			
21,	" do favor treasurer Wayne county, being amount due for year 1838,	3,441 92		$3,907	20
24,	" do favor Monroe county, for 1838,			1,340	80
28,	" do favor Saginaw do do	80 64			
	" do favor Macomb do do	1,185 28		1,265	92
31,	" do favor Oakland do do	2,768 90			
	" do favor Livingston do do	684 80			
Feb. 1,	" do favor Hillsdale do do	623 36			
4,	" do favor Allegan do do	139 52		4,215	68
7,	" do favor Berrien do do	328 08			
8,	" do favor Kalamazoo do do	845 44			
9,	" do favor Ionia do do	122 24		1,295	76
11,	" do favor Ingham do do	107 52			
15,	" this amount received of treasurer of Lenawee county, by auditor general's warrant for amount due to that county, to apply towards amount due from said county for taxes,	1,712 00		1,819	52
	" do of treasurer Van Buren county, on same account,	159 36			
19,	" paid warrant favor Washtenaw county,	3,006 72			
Mar. 6,	" do favor St. Joseph county,	519 04			
8,	" paid ac't favor Berrien do	382 08		4,067	20
27,	" this amount aud'r general's warrant favor Calhoun co., to apply on account taxes due the state,	1,111 04			
	Carried forward,	$1,111 04		$17,912	08

Treasurer of the Primary School fund.

CR.

1839.				
Jan. 12,	By this amount received of John D. Pierce, superintendent of public instruction, being interest on primary school lands sold, payable to the several county treasurers on auditor general's warrant,			$21,817 60
Mar. 8,	" this amount, error in charging Berrien county, Feb. 7, 1839,			328 08
April 30,	" Henry Howard, treasurer's check, given Feb. 1, 1839, favor Hillsdale county,	$623 36		
	" do do given Feb. 4, 1839, favor Allegan county,	139 52		
				762 88
	Carried forward,			$22,908 56

State of Michigan, in account with Henry Howard,

DR.

	Brought forward,	$1,111 04	$17,912 08	
April 23,	To paid warrant favor Ottawa county, by check on Michigan state bank,	29 44		
25,	" do favor Eaton county, by check on Michigan state bank,	110 08		
			1,250	56
	" this amount furnished to P. Desnoyers, as per his receipt to balance,		3,745	92
			$22,908	56

Treasurer of the Primary School fund.

CR.

Brought forward,	$22,908 56
	$22,908 56

H. HOWARD, *Treasurer.*

April 30, 1839.

State of Michigan, in account with Peter Desnoyers,

DR.

1839.			
	For payment of the following warrants:		
Aug. 8,	Jackson county, int't on school fund,		$1,233 92
31,	Lapeer do do do		195 84
Sept. 9,	Wayne do do do		134 30
Nov. 27,	Cass do do do		608 00
	Allegan do late treasurer's check, May 7, 1839,		139 52
	Balance,		3,673 86
			$5,985 44

Treasurer of the Primary School fund.

CR.

1839.				
May 1,	By Henry Howard, treasurer's check on Michigan state bank,			$3,745 92
Sept. 2,	" Amount received from John D. Pierce, superintendent,			655 52
Nov. 4,	" Amount rec'd on acc't of school lands,			128 00
9,	do	do	do	64 00
	do	do	do	64 00
18,	do	do	do	32 00
	do	do	do	64 00
19,	do	do	do	96 00
20,	do	do	do	64 00
27,	do	do	do	52 00
28,	do	do	do	160 00
29,	do	do	do	156 00
	do	do	do	704 00
				$5,985 44
Nov. 30,	Balance,			$3,673 86

STATE TREASURER'S OFFICE,
Detroit, Nov. 30, 1839.

PETER DESNOYERS,
State Treasurer.

State of Michigan, in account with Peter Desnoyers,

DR.

Balance,	$2,651 18
	$2,651 18

Treasurer of Primary School Interest fund.

CR.

1839.					
Nov.	4,	For this amount of interest on school lands,			$80 64
	8,	do	do	do	40 32
	9,	do	do	do	76 16
	14,	do	do	do	35 84
	17,	do	do	do	21 59
	23,	do	do	do	38 08
	25,	do	do	do	35 84
	27,	do	do	do	118 72
	29,	do	do	do	389 44
	30,	do	do	do	1,089 15
	30,	do	do	do	725 40
					$2,651 18
Nov. 30,		Balance,			$2,651 18

PETER DESNOYERS,
State Treasurer.

Nov. 30, 1839.

State of Michigan, in account with Peter Desnoyers,

DR.

1839.					
July	26,	To warrant in favor of J. H. Titus, commissioner,			$5,000 00
Sept.	16,	do	do	do	5,000 00
Oct.	23,	do	do	do	2,572 48
					$12,572 48

Treasurer State Penitentiary fund.

CR.

1839.				
July 26,	By cash rec'd from Wm. Ford & Son, on acc't of July instalment of their bond to the state, received June 27, 1839,	$4,000 00		
	" this amount received July 15, 1839,	1,000 00		
			$5,000 00	
Sept. 9,	" this amount received from Wm. Ford & Son, on their bond to the state,		5,000 00	
Oct. 23,	" this amount rec'd from Wm. Ford & Son, by bill of iron delivered J. H. Titus, commissioner, Sept. 10, 1839,		2,572 48	
			$12,572 48	

STATE TREASURER'S OFFICE,
Detroit Nov. 30, 1839.

PETER DESNOYERS,
State Treasurer.

State of Michigan, in account with Henry

DR.

1839.				
Jan. 1,	To balance,			$1,260 38
5,	" this am't rec'd of Merchants' bank of Jackson county,	$127 70		
				127 70
10,	" cash rec'd of Calhoun county bank, toward amount due January 1, 1839,	237 77		
19,	" cash rec'd of Calhoun county bank, balance due Jan. 1, 1839,	25 00		
				262 77
Feb. 22,	" cash rec'd of St. Clair bank, due Jan. 1, 1839,	240 30		
27,	" cash received of bank of Constantine, due Jan'y 1, 1839,	131 87		
				372 17
				$2,023 02

Howard, Treasurer of the Bank fund.

CR.

1839.		
April 30,	By balance transferred to P. Desnoyers, as per his receipt,	$2,023 02
		$2,023 02

H. HOWARD, *Treasurer.*

April 30, 1839.

State of Michigan, in account with Peter

DR.

1839.				
May 1,	To balance received from H. Howard, late treasurer, his check on state bank,	$1,891	73	
	" cash,	131	29	
				$2,023 02
				$2,023 02
Nov. 30,	Balance,			$1,335 52

Desnoyers, Treasurer of the Bank fund.

CR.

1839.				
July 23,	By safety fund banks,			
	" payment of warrant to K. Pritchette, June 1,	$312	50	
	" do to A. Felch, June 20,	62	50	
				$375 00
Aug. 10,	" do to K. Pritchette,			312 50
	Balance,			1,335 52
				$2,023 02

PETER DESNOYERS, *Treasurer.*

November 30, 1839.

A SUMMARY

Statement of Accounts, showing the Receipts, Disbursements, and Balances, from January 1 to November 30, 1839.

	Receipts.	Disbursements.	Dr. Balance.	Cr. Balance.	Remarks.		
Internal imp't fund,	$1,505,026 77	$752,900 32		$752,066 45	Consists of deposites in bank of Michigan,	$620 25	
					do do Michigan state bank,	437,432 96	
					Transfer sinking fund,	314,013 24	
							$752,066 45
Sinking fund,	133,473 47	435,596 70	$302,123 23		do internal improvement fund,	314,013 24	
					Less, bank of Ypsilanti, prot'd draft in hands of Peter Morey, att'y general, $10,000 00		
					" Receipt of rec'r b'k of Ypsilanti, 303 00		
					" Ypsilanti and Tecumseh railroad draft protested, 1,530 00		
					" Cash item, 57 01		
						11 890 01	
							302,123 23
General fund,	144,290 02	161,333 79	17,043 77		Consists overdraft Michigan state bank,	22 407 25	
					Less dep'd b'k of Mich. and cash on hand,	5,363 48	
							17,043 77
Primary school fund,	25,148 08	21,474 22		3,673 86	Consists do do do	2,105 22	
					do Michigan state bank,	1,568 64	
							3,673 86
Delinquent tax fund,	16,286 37	1,118 14		15,168 23	do Bank of Michigan,		15,168 23
Primary school int. fund,	2,651 18				do do		2,651 18
Penitentiary fund,	12 572 48	12,572 48			All expended,		
Bank fund,	2,023 02	687 50		1,335 52	Consists of deposites Michigan state bank,	1,204 23	
					do bills of the Detroit city bank,	131 29	
							1,335 52
Contingent fund,	2,947 16	1,612 59		1,334 57	do do deposites in bank, of Michigan,	237 55	
					do do Michigan state bank,	1,097 02	
							1,334 57

STATE TREASURER'S OFFICE,
Detroit, Nov. 30, 1839.

PETER DESNOYERS, *State Treasurer.*

BALANCE.

DR.		CR.	
Ypsilanti and Tecumseh railroad,	$1,530 00	Fund for state buildings,	$440 75
Cash,	2,890 73	Allegan and Marshall railroad,	60,000 00
Michigan state bank,	477,691 37	Primary school fund,	3,673 86
Peter Morey, bank of Ypsilanti draft,	10,000 00	Contingent fund,	1,334 57
Sinking fund,	302,143 23	Delinquent taxes,	15,168 23
Bank of Michigan,	24,044 94	Internal improvement fund,	752,066 45
State of Michigan,	17,043 77	Primary school fund,	2,651 18
Bank fund,	1,335 52	Safety fund banks,	1,335 52
	$836,679 56		$836,679 56

STATE TREASURER'S OFFICE,
Detroit, Nov. 30, 1839.

PETER DESNOYERS, *State Treasurer.*

[No. 15.]

Report on the subject of obtaining a just representation of this state in the Congress of the United States.

The select committee to whom was referred that part of the governor's message which relates to the subject of "securing a full representation of this state in the congress of the United States, at the earliest practicable period," would beg leave to report:

That they have had the subject under consideration, and that they fully concur with the executive, in appreciating its importance to the interests of the state.

At the time Michigan was admitted into the Union, the ratio of congressional representation among the several states, was, and still is, one for every forty-seven thousand seven hundred inhabitants. The population of Michigan then, as appears by the enumeration officially made by the state, was one hundred and seventy-five thousand.

By provisions bearing upon this subject, embraced in the ordinance of 1787, and in the constitution and laws of the United States, Michigan was *then entitled* to at least three representatives in congress. And your committee can perceive no other shade of objection, then existing, to her full representation there, other than the want of proper information on the subject, on the part of congress, through the official channels known to the law.

The constitution of the United States provides that a census, throughout the Union, *shall* be taken once in every ten years; but nothing has been discovered in the constitution or laws, impairing the right of congress to take an enumeration, at any intermediate period, as a basis of its representation, or from taking the official census of the state itself for such basis.

Your committee are of the opinion, therefore, that justice to our state, demands that congress should, and it is trusted will, without unnecessary delay, upon proper application therefor, make provision by law, for the more full and just representation of this state in the congress of the United States.

Your committee are not unmindful of the fact, that a census of Michigan, by virtue of the constitutional provisions referred to, will soon be taken, and a congressional apportionment be made therefrom; which circumstance might seem to indicate the propriety of inaction on the subject previous thereto. But your committee are of the opinion that too much delay has already attended this matter; and when it is recollected that some two years elapsed after the last decennial enumeration of

the general government was had, before an apportionment under it took place, and having reason to anticipate that similar delay may attend the apportionment under the next enumeration, your committee cannot discharge their duty without recommending immediate and efficient efforts for the accomplishment of the object embraced in the resolution under their consideration. And your committee would, therefore, submit, as a preliminary proceeding in the matter, the preamble and resolutions accompanying this report, viz:

GROVE SPENCER,
Chairman.

Whereas, By an act of congress entitled "An act to admit the state of Michigan into the Union, upon an equal footing with the original states," approved January 26, 1837, the state of Michigan was "admitted into the Union on an equal footing with the original states, in all respects whatsoever:"

And whereas, The state of Michigan did contain more than the requisite number of inhabitants to entitle her to three representatives in congress:

And whereas, Said act should have, but did not, expressly recognize to this state the constitutional privilege of choosing three representatives to congress:

And whereas, The interests of this state demand that she should have her just representation in the congress of the United States: therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our senators and representative in congress be requested to urge and respectfully insist upon the early passage of an act of congress, expressly giving to the state of Michigan the privilege of choosing three representatives to the congress of the United States, until another congressional apportionment be made.

Resolved, That the secretary of state be, and he is hereby, required to make out certificates of the official returns of the enumeration made by this state in 1837, of the inhabitants thereof, under his hand and the seal of the state, and transmit the same, one to the secretary of state of the United States, and one to each of our senators and representative in congress, together with copies of this and the foregoing preamble and resolutions.

[No. 16.]

Special Message.

To the Senate and House of Representatives:

It has become my duty to request the early attention of the legislature, to the condition of that very numerous class of our fellow citizens, who seem to have entered into contracts with the accredited agents of the state, for the furnishing of materials, or the performance of labor, upon our public works, and who claim to be creditors.

The aggregate amount of the outstanding pecuniary liabilities already incurred, in the prosecution of our gigantic project of internal improvement, can best be ascertained by a minute examination into all the operations of the commissioners, and of the board.

If this aggregate amount should be found swolen beyond our present available means, I am persuaded that you will not the less think it a duty, gentlemen, to provide for its liquidation; nor would any unnecessary delay of payment, in cases where contracts have been entered into in perfect good faith, be justified, by imputing indiscretion or extravagance, to our predecessors who may have authorized such accumulated liabilities. It is the public faith, which is pledged; and it is our constant duty, to preserve the public faith inviolate. And as this, to the utmost extent possible, is our duty, so, I am sure, you will think it also for our advantage. For "there is no truth more thoroughly established," (as our first, our greatest and our best president has told us,) "than that there exists, in the economy of nature, an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity!" Feeling assured, gentlemen, that there can exist no difference of opinion, as to the justice of these sentiments, or the soundness of the policy which they indicate, I respectfully lay before you, herewith, a memorial of some of our fellow citizens, exhibiting the distressed condition in which they appear to have been placed, by reason of an alleged failure on the part of the agents of the state, to comply with the pecuniary engagements made with the memorialists. Though addressed to the governor, (who, without your aid can furnish no relief.) yet, I have considered it a duty which both justice and sound policy enjoin, to submit to you for your more efficient consideration.

But while I commend this subject to your earnest attention, I would venture to suggest the expediency of a guarded caution in any general act you may think it proper to pass, against

the allowance of claims upon any contract, except such as may have been entered into in the most perfect good faith.

I again also, respectfully ask your consideration of the propriety of abrogating, or at least of suspending all existing authority, on the part of the commissioners of internal improvement, to enter into any new contract, for the prosecution of the projected works, until ways and means to meet the exigency, shall have been provided.

WILLIAM WOODBRIDGE.

EXECUTIVE OFFICE,
January 15, 1840.

To His Excellency, WILLIAM WOODBRIDGE,
Governor of the State of Michigan:

Your petitioners, contractors upon the Clinton and Kalamazoo canal, humbly represent to your excellency, that they have entered into contracts with the commissioners, the authorized agents of the state, to complete certain portions of the above named work; that they have for a long time been, and are now engaged in the performance of these contracts; that they have been, contrary to what should have been the fact, when the faith of the state is pledged, disappointed in their expectations of receiving their dues; that they have now a large number of laborers in their employ, to whom they are indebted for past services, and whom they cannot now discharge; and that without any thing to relieve us at present, in this unpleasant emergency, there is nothing in prospect calculated to relieve us.

Your petitioners, therefore, respectfully ask of your excellency, so far to interest yourself in the subject above presented, as to lay the matter, in such form as your excellency may think best, before the honorable legislature, urging upon that body an immediate attention to it. Your excellency cannot fail to perceive, that the exigency in which we are placed, since it arises from no neglect or misconduct on the part of your petitioners, very justly calls for the interference and aid of the legislature. And your petitioners cannot entertain a doubt, that an examination of facts, and an investigation of their claims, will secure to them the aid which every consideration of justice and good faith, so imperatively demands. Should your excellenly lay this subject before the honorable legislature, at your earliest convenience, you would, besides kindly advancing the just claims of your petitioners, also do something towards preserving inviolate the faith and integrity of our state. And, as in duty bound, will ever pray, &c.

WILLIAM BRONSON,	H. J. JOHNSON,
J. B. VANRENSELEER,	EDWARD W. PECK,
WILLIAM BEER,	ISAAC KELLY,
JAMES SNOOK,	JOHN F. HAMLIN,
ELIJAH HAMLIN, JUN.,	JOHN PARSHALL,
WILLIAM FOSTER,	WILLIAM ADAMS,
C. N. CHAPEL,	HIRAM LOVELAND,
CYRUS GILBERT,	B. B. KNIGHT.

Utica, Macomb County, January 28, 1839.

[No. 17.]

Report of the Committee of Internal Improvement, on the propriety of leasing the Central railroad.

The committee on internal improvement, to whom was referred a resolution of inquiry touching the propriety of leasing the central railroad, now in operation, for a given time, have had the same under consideration, and beg leave to report:

That, on account of the great care and attention necessary to protect and preserve the railroad, engines, cars, &c., from injury and premature decay, and on account of the character and value of the property embraced in this subject, and the tendency to destruction and waste which uniformly attends the leasing of property much less liable to injury; not to mention other difficulties which not unfrequently arise under such an arrangement; your committee are of the opinion that it would be assuming too great a responsibility to recommend the adoption of the proposition embraced in the resolution.

Your committee would take this opportunity to say, that a proposal has been presented to them, by a respectable individual, to lease the road on terms which would give to the state more than double the amount per year, for the net proceeds of the road, than it appears has been realized from the same, for the year past. But nevertheless, your committee think it is derogating from the character of the state and its agents, to infer that she must give up the control of her works of internal improvements, which are finished and in operation, for want of sufficient ability to manage the same.

Your committee would therefore respectfully ask leave to be discharged from the further consideration of this subject.

All of which is respectfully submitted.

[No. 18.]

Memorial and resolution of the Legislature of Michigan, relative to building a light house and improving the harbor at Belvidere, at the mouth of the Clinton river, on Lake St. Clair.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the senate and house of representatives of the state of Michigan, convened in the city of Detroit, at their regular session for the year 1840, respectfully represents:

That, in the opinion of your memorialists, a portion of the expenditures of the public moneys of our general government can in no way be made to contribute, in a greater proportionate degree to the general good, than by applying the same to the improvement of such harbors on our lakes, and the building of such light houses as will contribute to the general safety, convenience and prosperity of that portion of our commerce whose operations are particularly confined to these waters.

The vast amount of goods and produce transported upon our western lakes, and the great number of our citizens and others almost hourly exposed to the perils of this navigation, seem to us fully to warrant the conclusion that such objects are worthy of the attention and patronage of congress. While it is admitted that probably some of the appropriations, for similar objects have been granted without sufficient previous examination, it is confidently believed that others have been withheld to the serious injury of the general interests of western commerce and navigation. And of this latter class may justly be ranked the proposed light house and harbor improvements at the mouth of the Clinton river, (at Belvidere,) on Lake St. Clair, in this state. The position of this harbor, being about midway on the western shore of said lake, and being the only harbor on this lake, in connection with the fact that said lake is too shoal for navigation, except by following the channels which pass through it, and that the best, and indeed, the only channel by which the larger classes of vessels and steamboats can pass through this lake, is that called the "north channel," which passes close to the mouth of said Clinton river, and, by a serpentine course, connects with the upper navigation. Taken in connection, also, with the important consideration, that this is the only channel of connection or communication between the upper and lower lakes, through which channel no vessels can at present pass in the night season, for want of a light house at Belvidere to guide them. All seem to indicate this point as

one peculiarly meriting the early and favorable action of congress, in a general and national view of the subject.

This harbor has, moreover, from the first settlement of that part of our state, been looked upon as the natural channel through which must pass the exports and imports of one of the richest portions of this peninsula; and now, since the surrounding county, rich in agricultural products, has greatly increased, and is still rapidly increasing in population and wealth; and more especially since the location of that great and important state work, the Clinton and Kalamazoo canal, (which is located to cross the state from the Clinton to the Kalamazoo rivers, thus connecting Lake St. Clair on the east, with Lake Michigan on the west,) this subject has been greatly increased in importance.

The legislature of this state, has, at five different times, within the last few years, interested itself to procure appropriations from congress for constructing a light house and improving the harbor at this place, by instructing our senators, and requesting our representative in that body, to use their endeavors to effect that object. One joint resolution, with the preamble, which was passed at the last session of the legislature, your memorialists beg leave to quote on this subject:

"*Whereas*, the east part of the Clinton and Kalamazoo canal is now under contract, partially constructed, and is expected to be finished, ready for navigation, in the course of the ensuing summer or fall, and

"*Whereas*, without the appropriation hereinafter mentioned, it is believed that great and serious injury will result to the interests of this state, as well as to the interests of commerce and navigation in general, for want of a light house and the necessary improvements at the mouth of the Clinton river, which is the port of entry for, and the natural point of communication with said canal by means of said river: Therefore,

"*Resolved by the Senate and House of Representatives of the State of Michigan*, That our senators in congress be instructed, and our representative be requested to use their utmost endeavors to obtain from the congress of the United States, at the present session of that body, an appropriation of thirty thousand dollars, for the purpose of erecting a light house at the mouth of Clinton river, on the north side thereof, at Belvidere, Macomb county, Michigan, and of building a pier and otherwise improving the harbor of said place."

The project of improving the harbor above referred to, is not liable to the objection that sufficient preliminary surveys and examinations have not been made, as by reference to the war department of the United States, there will be found in the topographical bureau, a full report of the survey made of

this harbor by Lt. Col. Anderson, of the engineer corps, in January, 1834, accompanied by an appropriate map and plan; by reference to which, it will be seen that the whole estimated expense of the proposed improvements for this harbor, including the erection of a light house, amounts only to the comparatively trifling sum of $10,000.

Your memorialists would, therefore, respectfully ask that a suitable appropriation be made by your honorable body for the purpose of building a light house, and otherwise improving said harbor at Belvidere, according to the plan and survey made by said Lt. Col. Anderson, with such alterations and additions as may be deemed conducive to the public interest.

Resolved, That a copy of this memorial and resolution be transmitted, forthwith, by the governor of this state, to each of our senators and to our representative in congress, with a request to them to use their utmost exertions to obtain immediate action thereon, and, if possible, an appropriation, during the present session of congress, of at least $10,000, for the objects aforesaid.

[No. 19.]

Attorney General's Report.

OFFICE OF ATTORNEY GENERAL,
Detroit, Dec. 28, 1839.

To the Legislature of the State of Michigan:

I have the honor herewith to submit an account of the official business performed by me, as attorney general, since the date of my last annual report. It should, perhaps, be stated here, that the annexed schedules exhibit only the general outlines of the proceedings which have been instituted, as it is believed that a minute detail of every act is neither contemplated by the provision which renders it the duty of the attorney general to make an annual report, nor would it promote any beneficial purpose. All that is material, however, to show the nature of these proceedings have been set forth, and should any further particulars become necessary or desirable, they would most cheerfully be furnished.

Schedule A, contains a statement of those cases in which the state is a party or directly interested, and as those are all civil proceedings, it will be proper to remark that the services which have been rendered in regard to criminal matters, have been confined almost entirely to assistance given by prosecuting attornies whenever called on, and the cases therefore are

properly included in these reports. Appended to this schedule will also be found an abstract of reports which have been received at this office from several receivers, showing the situation of the banks under injunction. It was believed that something of this kind would be desirable for the purpose of showing the extent and importance of the interests involved in the proceedings which have been instituted at this office within the last two years against banks; and the document has been made as complete as the returns received would permit.

From these statements it will be perceived that there are *forty-three* banks in this state against which proceedings have been instituted to procure a dissolution of their corporate rights, and that thirty-four of these are owing to the public an aggregate indebtedness of more than *a million and a half.* It is also shown, indeed, that there are nominal assets in the hands of the receivers of these banks to an amount more than equal to their indebtedness. In order, however, to show the slight reliance that should be placed on these assets, it is hardly necessary to remark that of all demands, those which are due to an insolvent corporation are the most unlikely to be cheerfully paid by the debtor; the most difficult to collect; and the most certain to be attended by protracted and expensive litigation; and when we take into account the fact which has become sufficiently *notorious*, that most of these banks were engendered in fraud, and brought forth in direct and palpable violation of law, and in hostility to every sound principle of business or of banking, it can hardly be expected that the conversion of these assets into money, will either be very rapid or attended with great ultimate success. It is, nevertheless, hoped and believed that the several receivers are proceeding to enforce the collection of the demands in their hands with as much rapidity as the difficulties of the times and a prudent regard to the interests of the creditors will warrant, and the whole matter is submitted to the legislature with the simple remark, that if any aid can be given by legislative action which will facilitate the collection of these demands and hasten the payment of this large indebtedness, it is most important that it should be done at the earliest moment.

The next schedule, marked B, is an abstract of the annual reports of the prosecuting attornies of the counties of Monroe, Lenawee, Branch, Kalamazoo, Jackson, Ingham, Shiawassee, Genesee and Oakland; no reports having been received from the prosecuting attornies of the remaining counties.

Were these reports carefully prepared by the prosecuting attornies of the different counties, and punctually transmitted to this office, as required by law, much valuable information might be laid before the legislature in regard to that most im-

portant branch of our government, the administration of the criminal law.

An abstract of such reports, if they were complete and perfect from every county in the state, would furnish unerring data, from which it could annually be seen by the assembled representatives of the people, whether crime was on the increase, or whether its withering and corrupting influence had been arrested and overpowered by the increasing virtue and morality of the people; and if the morals of the community were depreciating, if crime had become more rife and pervading, the information thus provided would afford the most convincing indications to show whether this effect resulted from errors in the law or proceeded from the impurity or inefficiency of its administration.

As it is this year, with information from only about one third of the counties, and those not the most populous in the state, it would be hardly proper or consistent to make the facts contained in these returns alone, the basis of material suggestions as to such improvements or changes in the criminal law as are intended to operate over the whole state. Enough, however, appears in these reports, which, in connexion with occurrences that have happened under my own observation, clearly indicate that some important additional legislation is required before the criminal jurisprudence of this state can be considered a complete and perfect system.

As there is no positive enactment of the legislature of this state providing in distinct terms, that the *common law* shall be deemed and considered as a part of the law of this state in reference to crimes and their punishment, it has become a matter of doubt, or at least of discussion, with some, whether any offences can be punished except such as are particularly defined and designated, and for which the penalities are prescribed by the revised statutes.

Difficulties have been started on this subject by members of the legal profession, which, if sustained by the supreme court, would greatly embarrass the prosecution of crime; and the subject having been particularly referred to by the efficient prosecuting attorney of the county of Monroe, in his annual report, I deem it my duty to present it to the consideration of the legislature.

If there is any room for uncertainty in regard to this question, it cannot be obviated too soon, by the action of the legislative authorities, for nothing can present a more inconsistent and incongruous spectacle, than that of a community claiming to be free and enlightened, and professing to be governed by law, where there is room left for any citizen to remain in doubt

as to what the law is which designates the offences, and regulates the proceedings, in regard to crime.

Should this uncertainty be permitted to continue, the extent of the difficulties to which it will inevitably lead, cannot well be forseen; the delay of justice and the escape of the guilty, are among the least of the evils which it will be likely to bring in its train—worse than these, and more pernicious to the best interest of society, it will contribute more than any thing else to poison the public mind with regard to the administration of justice, and beget suspicion as to the disinterestedness, purity and firmness of those who minister at its altars.

It has been well said by an enlightened jurist and criminal lawyer, that whenever the law is so ambiguous or its definitions so loose as to render it doubtful whether one act or another comes within its intent, the chances of a decision in accordance with, or contrary to, the meaning and intention of the legislature, are about equal, and it becomes of course, as probable that the penalty may fall on the head of the innocent as of the guilty, and thus the innocent are made guilty, and the guilty become more depraved. Effects of this description, when produced by ambiguity in the law, or any other case, may well excite suspicion as to the integrity and uprightness of those concerned in the administration of justice; and when such suspicion becomes general, when the public mind becomes impressed with the belief that the scales of justice are not held with an exact and even hand, the purity of the public morals, the harmony and happiness of social intercourse, and the sanctity of individual rights and privileges, are all in most imminent danger, and imperiously call upon an enlightened legislature to arrest, and if possible, remove the evil.

Whether it were best and preferable, all things considered, for the legislature to adopt a *code* of *written law* in which every offence should be clearly and fully defined, and the forms and mode of prosecution exhibited as in a mirror, to the vision and comprehension of every citizen, so that all should feel the force and admit the propriety of the maxim, that "ignorance of the law excuseth no one;" whether the adoption of that great body of *unwritten* or common law, pronounced by Chancellor Kent to be a code of matured ethics and enlarged wisdom admirably adapted to promote and secure the freedom and happiness of social life, would most conduce to the interest of the commonwealth, is a subject much too extended for present discussion. But surely if there is any room for doubt as to whether the common law is the law of this state in regard to all criminal offences not expressly defined and provided for in the revised statutes, it is of paramount importance that this uncertainty should be effectually remedied, either by a declaratory

enactment establishing the common law as the standard in all cases where the offences are not specially regulated by statute, and prescribing the different grades of punishment, or that such additions should be made to the criminal code of the state, as would make it a complete and harmonious system in itself, without leaving any thing to be decided by the principles of the common law.

It is not supposed that the learned reviser who prepared our present criminal code, desired in the least to do away entirely with the common law as applicable to crimes and their punishment; on the contrary, that its salutary regulations and restraints were clearly intended to be continued of force as a point of our criminal system, is fully evident from the fact, that punishments are prescribed in several instances for offences not contained in the revision, and which are referred to as existing at common law, in contradistinction to those offences provided for by statute; and this is also still further corroborated by the fact that the portion of the revised statutes relating to criminal offences is manifestly incomplete, as a whole code, as it contains no provision whatever in regard to a large number of the most ordinary and common offences. Assault and battery, barratry and conspiracy are instances of this kind, there being no statutory provision making them criminal, and it is not to be supposed that a code could be esteemed complete and perfect, without embracing and providing for offences so injurious to the interests and peace of society, and of such frequent occurrence.

From this view of the subject, it may perhaps, be thought and said by some, that there is no room for doubt; that the frequent and distinct recognitions of the common law in the revised statutes, afford such clear and conclusive indications of what were intended by the legislature, that there is no ground whatever on which to found an argument going to sustain or establish the position that the common law is not now of full force and effect, as the criminal law of this state in all cases not especially provided for by statute. But even admitting that such is the better opinion, I would still urge that it does not silence discussion; it does not prevent the question from being raised, to defeat if possible, the conviction of a criminal, nor avoid the consequent delay; and it is undoubtedly a sound principle, that a matter so vitally important to the dearest interests of society should not be left solely to the construction of courts; but should be so regulated and established by statute, in such *plain and intelligible language*, that the most ignorant could not be left in doubt as to what constituted a criminal offence.

Another subject to which I would respectfully invite the attention of the legislature, is materially connected with the

"*proper and economical administration* of the criminal law of the state, is the passage of a law enabling the prosecuting attornies of each county to issue subpœnas and enforce the attendance of witnesses upon a criminal prosecution, from any part of the state, and giving the circuit courts of each county the necessary additional jurisdiction for that purpose. A striking illustration of the difficulties attending the prosecution of criminals, may be found in the fact, that while the constitution of the state provides that every criminal shall have the privilege "to be confronted with the witnesses against him, and of compulsory process for obtaining the witnesses in his favor," yet by our statutes, neither the prosecution nor the criminal are provided with any means of enforcing the attendance of witnesses who happen to be out of the county where the trial is to take place; for the jurisdiction of each circuit court is confined to its proper county; and even if a subpœna could be served out of the limits of a county, still, if the witness refuses to come, the court have no power to compel his attendance, as an attachment or warrant for the contempt could only be served within the county where the court had jurisdiction.

As a consequence of this, it follows, that if a murder should be committed in the county of Wayne, and there was a living witness of the fact in the county of Washtenaw, his testimony could not be procured on the trial, unless the witness voluntarily attended on being served with a subpœna; thus a murderer might escape, and justice be defrauded of its dues, as the law now stands, although positive evidence of guilt might under other circumstances be obtained from an adjoining county. It will not need any argument, I apprehend, to show the necessity or propriety of the provision which has been suggested; as it must be apparent to every one, that justice in regard to criminals can hardly be executed, whilst the public prosecution is compelled to rely for testimony upon the voluntary attendance of witnesses, without compensation, or confine himself to such as may be compelled to attend from within the county.

The same remarks are applicable to the issuing of process for the arrest of a criminal after an indictment has been found by a grand jury. There is no specific provision of law authorizing the circuit court of any county to issue a bench warrant for the arrest of an offender who has been indicted, which shall continue its force and warrant an arrest beyond the boundaries of the county; and if there is any such power, it certainly must be derived "*ex necessitate rei*;" but it would surely seem that the necessity for enforcing the jurisdiction of such a court must cease entirely when you passed the statutory limits which confined its jurisdiction. If this is correct, the

only basis upon which this most necessary proceeding rests, is at once destroyed; and the only means left to the prosecuting officer to enforce the execution of the criminal law against persons indicted before arrest, is to cause them to be arrested, if they are kind enough to remain within the county, or come there, and thus afford an opportunity for their being taken.

The evils which may result from these sources are not as yet merely in imagination; on the contrary, they have already assumed a practical character, and have been both seen and felt by those concerned in the execution of the criminal law, sufficiently to be appreciated; and it need hardly be urged that powers, so vitally essential to the proper and energetic enforcement of the penalties against crime, should never be left open for doubt and dispute, or be made to depend entirely upon construction.

Another difficulty attending the execution of the criminal law of this state, is to be found in the fact that no mode is pointed out in the revised statutes for a public prosecutor by excepting to a decision, at circuit, deemed to be erroneous, to obtain a review or rehearing in the supreme court.

The hasty decisions necessarily made in the progress of a trial at circuit, renders it quite probable that the most profound and enlightened judges may err in their opinions, and it is believed that no sufficient reason can be given why such erroneous decisions are not as likely to be made against the prosecution in a criminal trial as in its favor. If such is the fact, and decisions are sometimes made which have the effect to save a criminal from merited punishment when justice would demand his conviction, surely there should be some mode in which the error could be corrected, and it would appear reasonable and proper, that this mode should be as simple as possible, and be fully regulated by statute, so that whilst it secured to the public prosecutor an opportunity for obtaining a review of a decision deemed erroneous, it should not compromit or mitiate against the just rights of the individual charged with a criminal offence.

By the present law, the defendant in any criminal proceeding who considers himself injured by any decision of the court during his trial, may obtain a rehearing upon the point, either by motion for new trial, bill of exceptions, case reserved or writ of error; and it is contended, that by confining this right solely to the defendant, the revised statutes necessarily preclude the exercise of a similar right by the public prosecutor; a simple provision therefore, giving the prosecuting attorney, under proper limitations, similar rights to those which are extended to the convicted defendant, is all that is necessary.

In accordance with the provisions of law, I have deemed it my duty to accompany the abstracts of the annual reports of the several prosecuting attornies with the preceding statements and observations, and they are respectfully submitted to the legislature for such action as they, in their wisdom, shall deem advisable and proper.

PETER MOREY,
Attorney General.

Schedule A.

Statement of the official business commenced and transacted at the office of the attorney general, for the year 1839, including the proceedings at law and in chancery, and also an abstract showing as far as practicable, the present situation of the banks under injunction, with the names and residence of the several receivers.

Law Cases.—Wayne Circuit.

Henry Howard, Treasurer, &c.,
vs.
Joshua Howard.

Action brought to recover the amount due on a promissory note, assigned to the treasurer as collateral to the payment of a draft of ten thousand dollars on the canal bank of Albany, being the draft taken of the bank of Ypsilanti, as stated in the auditor general's report of last year.

Washtenaw Circuit.

Peter Desnoyers, Treasurer, &c.,
vs.
Mark Norris.

Action brought to recover the amount due on a promissory note, assigned to the treasurer as collateral to the payment of a draft of ten thousand dollars on the canal bank of Albany, being the draft taken of the bank of Ypsilanti, as stated in the auditor general's report of last year.

Washtenaw Circuit.

Peter Desnoyers, Treasurer, &c.,
vs.
Abial Hawkins.

Action brought to recover the amount due on a promissory note, assigned to the treasurer as collateral to the payment of

a draft of ten thousand dollars on the canal bank of Albany, being the draft taken of the bank of Ypsilanti, as stated in the auditor general's report of last year.

Washtenaw Circuit.

Peter Desnoyers, Treasurer, &c.,
vs.
James M. Edmonds and Henry Compton.

Action brought to recover the amount due on a promissory note, assigned to the treasurer as collateral to the payment of a draft of ten thousand dollars on the canal bank of Albany, being the draft taken of the bank of Ypsilanti, as stated in the auditor general's report of last year.

Washtenaw Circuit.

Peter Desnoyers, Treasurer, &c.,
vs.
Daniel Latimer, and others.

Action brought to recover the amount due on a promissory note, assigned to the treasurer as collateral to the payment of a draft of ten thousand dollars on the canal bank of Albany, being the draft taken of the bank of Ypsilanti, as stated in the auditor general's report of last year.

The People,
vs.
The Detroit and Pontiac Railroad Company.

This is an action brought to recover the sum due the state for a quantity of railroad iron sold to the company, under a resolution of the legislature, some time since.

Stevens T. Mason, Governor, &c.,
vs.
William Ford & Jerry Ford.

In this case the action has been instituted to recover the balance due the state, upon the bonds issued to the defendants, for the amount of the state prison loan, authorized by the last legislature.

The Commissioners of Internal Improvement,
ads.
William Warner.

This was an appeal from the decision of the commissioners appointed to appraise the damages upon the public works. The commissioners had allowed the sum of four hundred

dollars to the appellant for his damages; this sum, upon the appeal, was more than doubled by the jury.

I would respectfully suggest here the propriety of a mature examination and revision of the law regulating the powers of the commissioners of internal improvement; as it now stands, a cursory examination, will, I am confident, satisfy every one, that the interests of the state are not sufficiently guarded and protected.

The Commissioners of Internal Improvement,
vs.
John Geddes & Robert Geddes.

This was an action of replevin, brought to recover some timber belonging to the central railroad, which the defendants had got into their possesion and refused to deliver up.

Cases in Chancery.—In Chancery, 2nd Circuit.

The Bank Commissioners,
vs.
The President, Directors & Company of the bank of Washtenaw.

A bill was filed in this case charging numerous violations of law, and praying for an injunction, and the appointment of a receiver.

The injunction was obtained and served. The defendants filed an answer, denying most of the allegations in the bill, and for a long time opposed the appointment of a receiver. Recently, however, a receiver has been appointed.

In Chancery, 1st Circuit.

The Bank Commissioners,
vs.
The Detroit City Bank.

Bill of Complaint filed for violations of law, and praying for injunction and appointment of receiver.

Injunction granted and served, and receivers appointed.

In Chancery, 1st Circuit.

The Bank Commissioners,
vs.
The Huron River Bank.

Bill of complaint filed for violations of law, and praying for injunction and appointment of receiver.

Injunction granted and served, and receiver appointed.

In Chancery, 1st Circuit.

The Bank Commissioners,
vs.
The Merchants' and Mechanics' Bank of Monroe.

Bill of complaint filed for violations of law, and praying for injunction and appointment of receiver.

Injunction granted and served, and receiver appointed.

In Chancery, 1st Circuit.

The Bank Commissioners,
vs.
The President Directors and Company of the Bank of River Raisin.

Bill filed and injunction obtained. Upon a representation of the officers of the bank, that the bank was able and willing to redeem all its liabilities, and under the belief that the interest of its creditors would be promoted by leaving the bank at liberty to transact such business as would be necessary in closing up its affairs, the injunction has hitherto been withheld. Weekly returns are however received from the cashier. The bank has largely diminished its liabilities since the bill was filed, and is continuing so to do.

The Attorney General,
vs.
The President Directors and Company of the Michigan State Bank.

After the failure of the commissioners appointed by the last legislature to settle with this bank, had been reported to the governor, a bill was filed and a preliminary injunction obtained and served upon the bank. The bill of complaint contained charges of insolvency, and various specific violations of its charter.

The defendants answered in part, and filed a demurrer to the remainder or nearly so, of the bill; exceptions were taken to the sufficiency of the answers, and upon reference to a master a majority of them were sustained. To the report of the master, exceptions were also taken, which are still pending and undetermined, as is also the demurrer.

A motion has also been made by the defendants for the dissolution of the injunction, which was overruled by the chancellor.

The Attorney General,
vs.
The Bank of Singapore.

Bill filed, an injunction allowed and served, and receiver appointed.

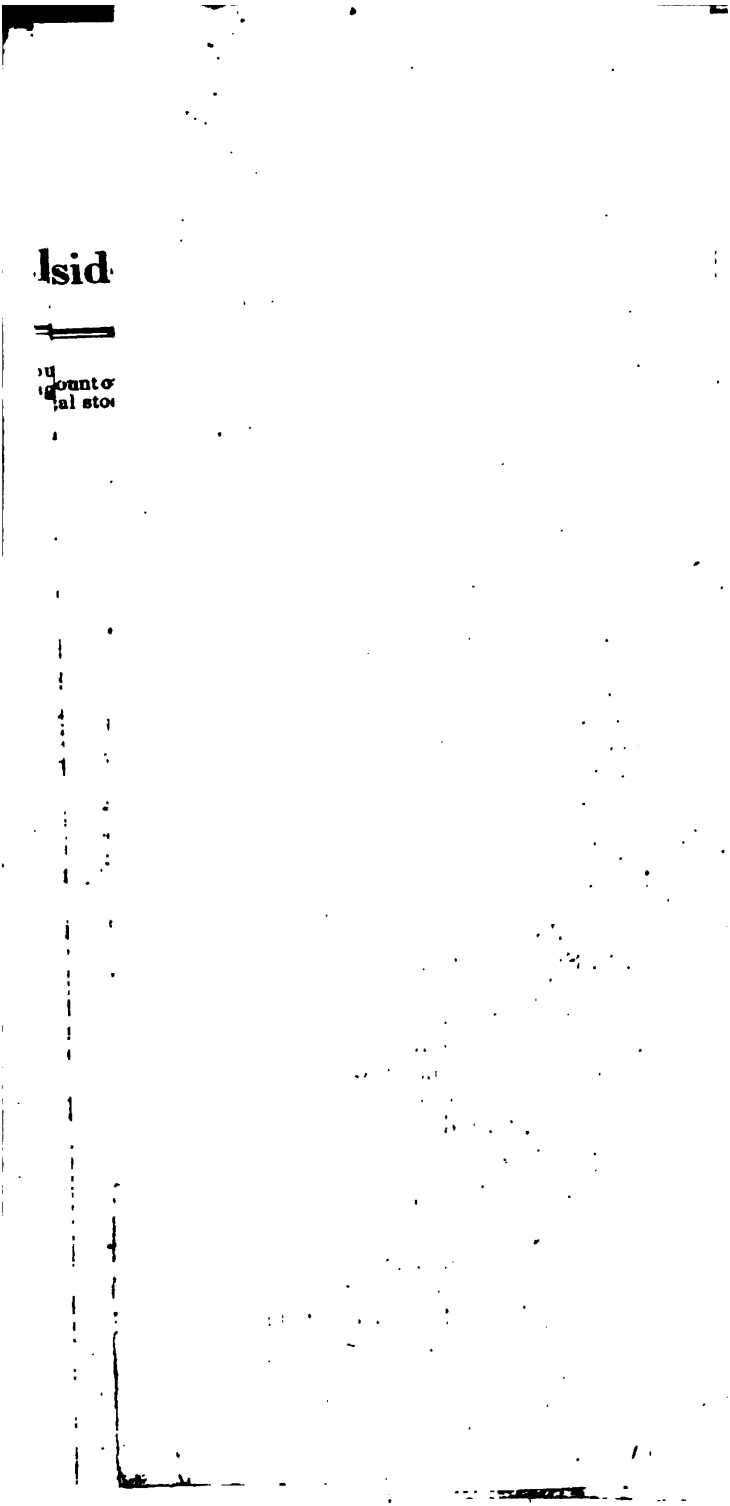
The Attorney General,
vs.
The Farmers' Bank of Homer.

Bill filed, an injunction allowed and served, and receiver appointed.

The Attorney General,
vs.
Thomas W. Langley, Adams Wakeman, and others.

The bill in this case was filed under a law of the last legislature against the defendants, to enforce the redemption of the notes of the Farmers' and Merchants' bank of St. Joseph, at Centerville, (so called.) The defendants were elected directors, and certified that the bank had been organized, and had complied with the law. An injunction has been obtained and served and an order entered for the appointment of a receiver, and a reference to a master to report a proper person for the office.

N. B. There are several cases, both at law and in chancery, which were pending at the date of my last annual report, but as their nature was then particularly explained, they are not enumerated here.



Replies of C. H. Stewart, Receiver of the Bank of Ypsilanti, to the questions proposed by the Attorney General.

Queries proposed by the Att'y General.	Answers.	Remarks.
1st. The amount of notes obtained from the engraver and by whom ordered?	1st. The bank on its organization, obtained from engraver $270,000, by order of T. Tredwell, Esq., president. In November, 1838, $100,000 in addition to the old plates was obtained by the same order, and $330,000 of a new plate by the same order.	In explanation of the notes obtained by Mr. Romeyn, that gentlemen sent me a communication, and as justice demands that it should accompany the statement, I furnish it, as follows:
2d. The largest amount ever in circulation at one time? Designate how much of this was out for "exchange," and how much loaned on discounted paper.	2. About $:53,000 at the time of failure, charging as circulation all that was not in the vaults—about $50,000 of this was out for exchange, and the balance on discounted paper.	*Detroit, Dec.* 23, 1839.
3d. State the amount of the outstanding liabilities, and what amount of these have been deposited in your hands as receiver?	3d. Total liabilities, exclusive of time drafts, for which provision was made by assets delivered to T. Romeyn, $174,564 02 Am't of said drafts, 40,721 18 Am't of stock alleged to be paid in, 100,000 00 $315,285 20 Am't of these deposited with me, $19,538 70 Am't notified to me, but not deposited, and which I do not recognize until lodged, 33,137 42 Total, $52,676 12 I have also received as the property of the bank about, 53,000 00 105,676 12	CHAS. H. STEWART, *Esq.*, *Receiver of the Bank of Ypsilanti:* DEAR SIR—On the subject of the notes ordered from the engraver, by me, for the bank of Ypsilanti, I beg leave to say that I am without the means of ascertaining *precisely* the amount, as the order was verbal, and in part communicated through another person. The amount ordered did not exceed $120,000; of these a part were of the denominations of $50 and $20, respectively, and were intended for foreign circulation. A new plate was engraved, as the bank had at the time no bills of a higher denomination than $10. The returns made by the engravers showed that they had mistaken my directions, and had sent as many sheets of $110 each as I had ordered bills, of the respective amounts, of $50 and $20 each, thereby materially increasing the amount. The other bills ordered by me, were those of the old plate of small notes. The former supply of these had nearly all been used, and were much worn and defaced. The engravers' account of these, and the marks upon the packages
4th. The whole amount of assets belonging to the bank, distinguishing what portion is deemed good and avail-	4th. My account filed by order of the chancellor fully sets out the resources of the bank. They are as follows:	

Replies of C. H. Stewart, Receiver of the Bank of Ypsilanti, to the questions proposed by the Attorney General.

Queries proposed by the Att'y General.	Answers.		Remarks.
Brought forward,	in bills of the bank, and part of which are already received as above mentioned,	$31,963 00	impressions from the other plate of $5 and $10 denominations that were not ordered or wanted, as there were a large number already in the bank; through these errors thrice the amount actually ordered were sent on and received.
	Am't of do in Mr. Romeyn's hands applicable to the payment of time drafts, but not available for the purpose of a general dividend,	40,721 00	I am thus particular in my statement, lest mistaken inferences should be drawn from the fact (if unexplained,) of so large an amount of bills having been received. For the same reason I beg leave to add that at the time when the orders were given, a call had been made for the stock of the bank, in the expectation of materially increasing its business and circulation, but that upon different arrangements being made, I retained the packages of new notes in my possession and delivered them to you with the engravers' seal unbroken. I also would say that while I was an officer of that bank, not a single note of any denomination was filled up and signed.
	Total amount available to the reduction of the liabilities,	80 882 73	
	Total amount of assets—doubtful,	36,857 01	
	do do bad,	159,042 50	
		$276,722 24	
			Very respectfully, your obedient servant, THEO. ROMEYN.
5th. State if you can, what amount of capital stock was paid in "bona fide" in specie, as required by law; and if the bank was started upon a basis of specie certificates in whole or in part; state by whom the certificates were issued and by whom paid in to bank; and if specie was borrowed, state where it was obtained, and by whom paid in, and by whom drawn.	5th. The capital nominally paid in, was $100,000. I have not received evidence to satisfy me that more than $20,000 was paid in specie, but I believe this amount was actually paid "bona fide." The balance was paid in stock notes—entered as discounted paper.		

6th. Set forth what amount of the assets of the bank have been prosecuted and the amount in judgment.	6th. I cannot answer with certainty, as the bank dealings were much diffused, and the debtors are scattered through this state, Illinois, New York and one in Iowa. As a general measure every claim was put in suit immediately after I received it, and it became due, unless where the debtors were too poor to justify the expense, or some special reason intervened. About $15,000 has been put in suit and half of that amount is probably now in judgment. CHA'S H. STEWART, *Receiver.* *Detroit, December* 22, 1839.

Oakland County Bank statement.

Liabilities.

Capital stock,		$20,000 00	
Due depositors,		1,616 38	
Discounts received,		1,074 26	
Circulation,		4,681 00	
			$27,371 64

Assets.

Bills discounted,		6,682 13	
Specie checks and notes of other banks	$1,554 79		
Over drafts,	571 75		
		2,126 54	
In hands of J. A. Cowing,		1,810 00	
Furniture,		16 00	
Profit and loss,		745 95	
Am't due from other banks,	1,991 02		
do do	14,000 00		
		15,991 02	
			27,371 64

Trial balance.

Cash,	$9,870 79	Stock,	20,000 00
Bank of Pontiac,	4,000 00	Discounts,	1,074 26
Expense account,	661 19	Lewis Godard,	1,051 78
H. L. Whipple,	46 75	Bills emitted,	12,997 00
Bills discounted,	6,682 13	Certificate ac't,	564 60
Mechanics' b'k, Burl't'n,	10,000 00		
S. G. Langdon,	275 00		
E. Hewitt,	132 25		
Farmers' bank of Troy,	535 91		
Exchange,	84 76		
Wm. H. Griswold,	117 75		
J. A. Cowing,	1,810 00		
Furniture,	16 00		
Phœnix bank, N. Y.,	1,455 11		
	$35,687 64		$35,687 64

State of Michigan, Wayne county, ss.

William H. Griswold, cashier of the Oakland county bank, being duly sworn, deposes and says, that the above statement exhibits fully and truly, the situation of the Oakland county bank at this date.

WM. H. GRISWOLD.

Subscribed and sworn, this third day of December, 1839, before me.

E. TAYLOR, *N. P., Wayne co., Mich.*

Bank of Clinton.

RECEIVER'S OFFICE,
Tecumseh, 18*th Dec.*, 1829.

PETER MOREY, *Esq., Attorney General of Michigan:*

SIR—In answer to your circular of the 24th ult., I beg leave to state,

1st. That I have not been able to find any account of the notes of the bank of Clinton obtained from the engraver, or who ordered them, but circumstances lead me to suppose, that of one's two's three's and five's, there were received 10,000 sheets, amounting to $110,000
And of 10's, 20's and 50's, 2,000 sheets amounting to 180,000

In all $290,000
I found in the office, 1,900 sheets of the latter, (never put in circulation,) amounting to $171,000
And 1,400 sheets of the former, in the same state, amounting to 15,400
186,400

Leaving, $103,600
which have been circulated from time to time.

2d. I have no means of ascertaining how much of the above was actually put in circulation at any one time, nor can I ascertain how much of it (if any) was ever out on exchange or loaned on discounted paper.

3d. The outstanding liabilities consist of notes in circulation, amount as per No. 1, $103,600 00
Deduct notes withdrawn from circulation, which I found in the bank and burned, 53,191 00

Leaving $50,409 00
Drafts on bank state of New York, 3,906 52
do on Fulton bank of do, 6,639 12
Certificates of deposite 1,366 52
Due to banks, 477 04
And due to depositors, 2,584 49

Total, (as near as I can learn,) $65,382 69
Of, the notes there have been deposited, 782 00
And of the drafts in bank state of New York, 440 20

In all $1,222 20

4th. The assets belonging to the bank, amount to about $113,000, but all or almost all of so very doubtful a character, that I cannot yet undertake to classify them.

5th. The first payment of capital stock is entered as $20,000, but I cannot learn of what it consisted, though as there is at the same time, a charge of $10,000 made against the Farmers' and Mechanics' bank of Detroit, I make no doubt that that amount of stock paid in, was either deposited with that bank or obtained through its means. On the 10th of July, 1837, the capital stock was increased $10,000, but it does not appear in what way. On the 9th of August, 1837, there is entered a further increase of $10,000, and at the same time a charge of $7,750 is made against H. H. Brown & Co., who, according to the books of the bank, are still indebted to the bank in that sum. The last increase to the stock is $10,000 on the 25th July, 1838, when there was one charge made to the "bank state of New York, given on Howland, Troy, N. Y., $5,000," and another to the "Fulton bank, N. Y., given on Kingman & Co., $5,000," which were probably received in payment of this increase. It would appear that these drafts were not paid, though they are not found among the assets of the bank.

6th. None of the assets of the bank is yet in judgment.

I remain, respectfully, sir,

Your most obedient servant,

EB. ANDERSON,

Receiver of the Bank of Clinton.

Bank of Manchester.

Receiver's Office, 23d December, 1839.

To P. MOREY, *Esq., Attorney General of Michigan:*

SIR—In answer to your 1st interrogatory, I will state that the full amount of notes obtained from the engraver, was $180,000; $120,000 was ordered by Charles H. McClure, $60,000 by Geo. Howe.

2d. The largest amount ever in circulation at one time, was $118,000; $34,000 was loaned on discounted paper and receipts for exchange. I am unable to state on what conditions the balance was out, as no papers were shown for the amount when the possession of the bank came into my hands. I can only say that securities were obtained for the balance of the circulation.

3d. The whole amount of outstanding liabilities are $27,971 61; $893 00 of the amount has been deposited in my hands as receiver.

4th. The whole amount of assets belonging to the bank, are $57,767 71; $19,626, 00 I consider doubtful, and bad $38,141 71.

5th. There was paid in, in specie, as required by law, $30,-

000. I have no knowledge of any specie being borrowed, and do not know but the whole of it was borrowed.

6th. The amount under prosecution is something over $4,000. We have omitted to prosecute our demands in a measure, for the reasons that the state of the times and the nature of the demands have better served the interest of the creditors of the bank by negotiation of payment, than could be done by force collection; as the state of the times has driven nearly all debtors, in case of force collection, to some course of evasion and delay, we think the result will be far preferable to a prompt and immediate prosecution.

Very respectfully, your obedient servant,
JAMES H. FARGO, *Receiver.*

P. S. To the 5th interrogatory, I can only say that there was in bank $4,278 57 in specie, $2,000 in state stock, and draft on the canal bank of Albany, of $8.000, making in all $14,278 57, which is the full sum remaining when I took possession of the bank of the specie first paid in. For the state stock and draft, $10,000 in specie was sold S. B. Knapp by A. G. Irwin then cashier of the bank. The balance of the $30,000 first paid in, I have never had any knowledge of or explanation about it.

J. H. FARGO, *Receiver.*

Statement of the affairs of the Bank of Gibraltar.

December 19, 1839.

Resources.		*Liabilities.*	
Discounted bills,	$51,043 49	Capital stock,	$100,000 00
		Am't capital stock paid in,	$30,000 00
		Due board int. imp.	20,000 00
		Personal property,	585 49
		Circulation,	458 00
	$51,043 49		$51,043 49

JOSHUA HOWARD, *President.*

Dearbornville, Dec. 20, 1839.

P. MOREY, *Esq., Attorney General, Michigan:*

SIR—Above you have a statement of the affairs of the bank of Gibraltar up to this date.

With great respect,
I am your obedient servant,
JOSHUA HOWARD, *President.*

Exchange Bank at Shiawassee.

To P. MOREY, *Attorney General of the State of Michigan:*

SIR—In compliance with your request of date Nov. 27, 1839, I herewith transmit to you such information as I am able to give upon the points named in said request.

1st. "The amount of notes obtained from the engraver and by whom ordered." Amount of notes engraved not known, but ordered by G. W. Clark, the cashier.

2d. "The largest amount ever in circulation," &c. As no books of the bank have ever been kept, I have no means of knowing the largest amount ever in circulation at any one time, only by a statement drawn up by the president and cashier, which is now in the bank, and it is even impossible by that to ascertain the amount positively. By that statement the whole amount of notes ever numbered and signed, was $34,320 00, and the amount then in bank of its bills $14,174 00, but when I took possession of the bank there was but $7,303 00 signed by the president and cashier both, and $4,641 00, signed by the president only, which sum I suppose, was reckoned in said statement, making in all $12,059 00, which falls short of the amount stated in said statement $2,115 00. The statement might have been correct at the time it was made, as the bank for some time after the injunction was served was in the hands of one of the directors. If the statement be correct as to the amount numbered and signed, (as I presume it is nearly,) when I took possession of the bank, the whole amount out was $22,-261 00, which, I presume, was the largest amount ever out at any one time, most of which, I suppose, was out on exchange, but I have no means of knowing what part of it was out on exchange or loaned on discounted paper.

3d. "State the amount of outstanding liabilities," &c. By said statement mentioned in answer to the above request, it appears that the amount of the liabilities is $22,261 00, and of this amount there has been deposited in my hands as receiver, $5,288 00.

4th. "The whole amount of assets belonging to the bank," &c. I know of no way that I can calculate the amount of assets belonging to the bank, only to give such information as I am able with refference to that of which the assets consists. There was mortgaged about 1,760 acres of land to secure the payment of the debts of the bank, the title to about 1,500 of which appears now to be good. The title to about 260 acres of said land may be considered very doubtful. There are notes and receipts in the bank to the amount of about $7,200 00, $2,940 of which are given to individuals and not to the bank; some, however, of said receipts do not even run to any one or to the bank. All the business of the bank was done in not on-

ly an imperfect but a ridiculous manner. In examining over all the notes and receipts, I do not see but one note (on which is due $1,628 00) that is given to the kank, that can in any probability be collected, and only one receipt (on which is due but $48 00) that can be collected. I therefore think that about $1,676 00 of the notes and receipts can be collected, and that the remainder, $5,540 00, cannot be collected, or at least by me as receiver of the bank. There is an iron safe belonging to the bank worth probably fifteen or twenty dollars. I have given as correct a statement of the amount of the assets of the bank as I am now able to give.

5th. "State if you can, what amount of capital stock was paid in, 'bona fide,'" &c. I have no means of knowing anything about it.

6th. "Set forth what amount of the assets have been prosecuted," &c. I believe that there is in prosecution $1,628 00 which I left with an attorney in Detroit for collection, but whether judgment has been obtained for the amount or any part of it I have not learned. No other judgments have been obtained. I have collected of the notes and receipts which were in the bank, $3,273 00.

I am fully persuaded that there are not many more of the notes of the bank that will ever be deposited with me as receiver. I have been informed that many of the notes have been burned or destroyed, in consequence of their being considered worth nothing, and it is undoubtedly the fact. There were some of the directors of the bank who absconded with several thousand dollars, in bills of the bank, without giving their notes or receipts, or even any thing else to the bank for the amount.

I have been informed that an order was made by the court of chancery, in consideration of the fact above stated, which I communicated to said court, in my report of date Dec. 28, 1838, that no more of the bills of the bank should be received unless upon special application to said court that the bills are "bona fide."

I am therefore led to conclude, that there is but a very small amount out, if any that will ever be presented for deposite.

I can therefore, myself, see no necessity of prolonging a great length of time, the closing up of its affairs and releasing the mortgages executed to secure the payment of its debts.

It is of much importance to some of our farmers here, that the mortgages upon their lands are soon released.

I am, sir, most respectfully, your obedient servant,

ANDREW PARSONS,

Receiver of Exchange Bank at Shiawassee.

December 22, 1839.

Clinton Canal Bank.

Pontiac, Dec. 9, 1839.

PETER MOREY, *Esq.*,

SIR—In answer to yours of the 27th ult., requesting a statement in regard to the bank under my charge, I beg leave to state,

1st. From all the information I have been able to obtain, the amount of notes obtained from the engravers were $132,000.

2d. The largest amount ever put in circulation, as appears from the books, was $39, 175 00; loaned on discounted paper, $22,293 05; no exchange account kept.

3d. The books show the liabilities of the bank to be only $67, 711 30. I have received in bills and drafts, $69,284 41.

4th. The whole amount of assets of the bank are $40,917 28, and I think there is not $1,000 of the above assets that can be considered good and available.

5th. It appears from the books that there was $5,000 in specie paid in on subscribing for stock.

6th. There has been prosecuted of the assets of the bank, $32,869 27. I have obtained judgments to the amount of $131 20.

Yours respectfully,

S. BEACH,
Receiver Clinton Canal Bank.

—

Farmers Bank of Homer.

Marshall, Dec. 9, 1839.

PETER MOREY, *Esq., Attorney General:*

SIR—Your circular under date of 27th inst., requesting a statement of the Farmers' bank of Homer, upon the points therein expressed, was this day received. In answer I have to state,

To the first point: Amount of notes received from the engravers,		$186,000 00
Ordered July 18, 1837,	$102.000 00	
By directors, Aug. 23, 1837,	84,000 00	
To the second point: I am unable to ascertain from the books or papers in my possession. The amount of bills executed as per emission register, is		70,500 00
The amount not executed and in the hands of the engravers, as is supposed, I did not find them in the bank and find no memorandum of them, is,		115,500 00
To the third point: The amount of outstanding		

liabilities, as per book, is	$33,673 01
Amount now deposited in my hands,	4,154 25
To the fourth point: The assets of all kinds, as far as ascertained, amount to	24.903 05
In notes and accounts, good,	5,736 79
do do doubtful,	9,838 17
In notes payable in liabilities of bank of Homer, good,	7,438 99
do do do do bad,	455 10
in receivers' receipts, doubtful,	434 00
In banking house and lot, estimated at	1,000 00

To the fifth point: I am unable to ascertain from the books of the bank. The stock paid after the first twenty per cent. required by statute, was done chiefly by checks of stockholders, and in April and June last, transferred by the then stockholders to the bank, and the amount paid thereon credited to each individual on the books, so as to balance accounts as far as it would go.

The whole number of shares was 2,000.

Amount thus transferred to the bank,	$1,965 00
Balance held by individuals,	35 00

To the sixth point: None of the assets have, as yet, been prosecuted by me.

With much respect,

I remain your obedient servant,

JAMES S. SANDFORD.

Ann Arbor, Dec. 12, 1839.

Sir—Your communication of the 27th ultimo, requesting information in relation to the Farmers' bank of Sharon and the bank of Saline, I have received, and reply to as follows:

Farmers' Bank of Sharon.

1. The amount of notes obtained from the engraver is $60,000, and were ordered by Daniel B. Brown, of this place.

2. The largest amount ever in circulation, was about $24,000, of which $5,000 were out for exchange, and about $19,000 on discounted paper.

3. The amount of outstanding liabilities is near $19,000, of which about $10,000 have been deposited in my hands as receiver.

4. The whole amount of assets belonging to the bank is $30,729 06, of which about $8,000 are deemed available—leaving some $22,000 doubtful.

5. The capital paid in, $15,000. The bank was not started upon a basis of specie certificate in whole or in part.

6. The amount of assets of the bank on which I have ob-

tained judgment, amount to between seventeen and eighteen thousand dollars.

Bank of Saline.

1. The amount of notes obtained from the engraver is $264,000, and were ordered by Lewis Godard.

2. The largest amount in circulation, excepting the issue of ten's and twenty's for special purpose, and not designed, as I am informed, for circulation, is about $70,000, of which about $30,000 are out for exchange purposes.

3. Of the outstanding liabilities don't know; have had deposited in my hands as receiver, about $20,000.

4. The whole amount of assets belonging to the bank is about $84,000, of which amount about $30,000 are deemed available.

5. Don't know.

6. The principal amount of the assets of the bank is now in suit.

All which is respectfully submitted.

JOHN B. GUITTEAU,
Receiver.

To P. MOREY, *Attorney General.*

Bank of Coldwater.

Coldwater, Dec. 20, 1839.

Hon. P. MOREY, *Attorney General:*

Sir—The undersigned, receiver of the bank of Coldwater, in reply to your communication of November 27, would respectfully state, that, according to his best information:

1. The whole amount of notes obtained from the engraver for said bank, was two hundred and fifty-eight thousand dollars, ordered by Lewis Godard.

2. The largest amount ever in circulation at one time, was about eighty-five thousand dollars. Of this amount about forty-two thousand dollars were out for exchange, the balance loaned on discounted paper, excepting sums necessary or used for the ordinary expenses of the bank.

3. The amount of outstanding liabilities, is near fifty thousand dollars, and the amount deposited with the undersigned as receiver, some twenty-five thousand dollars, not including sums received in payment of indebtedness to the bank.

4. The whole amount of assets belonging to the bank is eighty-four thousand dollars—the balance doubtful, but of this it is supposed a considerable portion can be collected.

5. The amount of specie paid in, bona fide, is believed to have been near thirteen thousand dollars. There were two specie certificates one made by H. H. Brown, for about thirteen thousand dollars, the other by the bank of Brest, for seven or eight thousand dollars. The certificates were paid into the bank by Lewis Godard, in behalf of the eastern stockholders generally, and in part for those in the county of Branch. In addition to those certificates, L. Godard brought on six thousand dollars in specie, which was paid in. The undersigned is informed, that it was agreed that the eastern stockholders should furnish all the specie for the first six months. He is not aware, whether all that was paid in was furnished by them.

6. The assets of the bank have been prosecuted generally, but the undersigned is not informed that judgments have yet been obtained on any. They came into his possession near the close of last March.

The above information is based on the report made by the undersigned in June last, and facts obtained from the officers of the bank, and is not supposed to be entirely and strictly correct.

The undersigned trusts the short time allowed him, will be a sufficient excuse for the want of minuteness of detail, the letter from yourself having been received since the 15th of this month.

Very respectfully, yours,

E. A. WARNER.

Berrien County Bank.

Niles, December 9, 1839.

Hon. P. MOREY, *Attorney General:*

DEAR SIR—I have just received your printed circular, post marked Detroit, December 5, and hasten to give it the earliest reply in my power.

1. I have no data in my possession, as receiver of the Berrien county bank, which will enable me to inform you as to the amount of notes obtained from the engraver and by whom ordered.

2. The books of the bank afford no satisfactory information as to the largest amount of notes ever in circulation at one time. So far as I can learn from a book called the statement book, the circulation of the bank was, on the first of March, 1838, $20,500; and on the first of May, A. D. 1838, $14,568. There are no other statements recorded since that period. The leger of the bank shows in the account with office notes on the credit side of that account, a balance on the 18th of May, A.

D. 1838, of $23,650. Whether that whole amount was in actual circulation at that period I cannot positively determine. H. Beach, Esq., the then cashier of the bank, died some time before I was appointed receiver. There are no entries in that account after that period, May 1838. Nothing appears of a definite nature on the books of the bank in regard to the amount of its circulation; but I have reason to believe from what I have heard, that the greatest circulation of bills may have been at one time near $25,000.

It appears from the statement book, that there was out on exchange, March 1st, 1838, $1,750; on the first day of May, A. D. 1838, $1,685; and from the exchange account on the leger of the bank, that on the 24th day of June, 1838, at the time the operations of the bank were suspended by Hon. Thomas Fitzgerald, bank commissioner, that the sum of $9,616 was out on exchange.

The amount of bills discounted, appears to have been on the first day of March, 1838, $21,577 69; on the first day of May 1838, $31,826 83; on the first day of June, 1838, $37,629 96; and about the time the bank was closed by the bank commissioner, as before stated, $38,534 38.

3d. The books and papers of the bank have been so imperfectly kept and are in such disorder, owing to its sudden suspension, the death of its cashier and other causes but imperfectly known to me at present, that I am at this time unable to state accurately the whole amount of its outstanding liabilities; but I suppose them to be exclusive of what it owes for its capital stock stated as paid in, $15,000, somewhere about $29,000.

There have been deposited in my hands, as receiver, up to this date claims to the amount of nineteen thousand six hundred and seventeen dollars and twenty-five cents, with the interest thereon.

4th. The nominal assets of the bank, so far as can be judged from the imperfect state of its books and papers, are about $35,000. Of these, I deem that not above eight thousand dollars can be considered good and available at some future day. About eight thousand dollars are considered very doubtful. The rest are deemed in all probability bad, although I cannot, owing to the disturbed state of the pecuniary affairs of the country, positively determine. I do not embrace in this estimate the real estate securities of the bank, whose value I cannot judge of.

5th. I have no means of ascertaining what amount of the capital stock of the bank was paid in bona fide specie as required by law. I am not informed whether the bank was started upon a basis of specie certificates in whole or in part or not.

Among the papers of the bank I find the certificate of Hon. E. N. Bridges, bank commissioner, dated Jan. 27th, 1838, stating "that the bank had exhibited to him, as the property of such association, the amount of specie required by law."

Among the discounted paper of the bank, I find notes to the amount of $7,570 payable on demand, which I have reason to believe are what are commonly termed stock notes.

6th. The amount of the assets of the bank that have been prosecuted are about $30,000, of which nearly six thousand dollars have been already reduced into judgment.

I have neither been able to collect or arrange a single dollar as yet; but have in every instance been compelled to put nearly all the notes and demands in suit.

I regret that it is out of my power to furnish you at present, with precise replies to your queries; but I find it a slow, difficult and laborious work, which I have not yet accomplished, to bring the accounts of the bank into order, and to extricate them from the perplexed and somewhat confused state in which I found them, when I assumed the receivership in May last.

Yours, very respectfully,

VINCENT L. BRADFORD.

Receiver of Berrien County Bank.

Bank of Niles.

Niles, December 9, 1839.

PETER MOREY, *Esq.:*

SIR—In answer to yours of 27th Nov., in regard to the affairs of the bank of Niles, I have to say, that so short a time has elapsed since my appointment as receiver, that I am not able to make full answers to your inquiries.

I herewith send you my answers so far as my present information will permit.

Answer to question 1st. The amount of bills ordered and received was $66,000. Ordered, I believe, by Wm. H. Adams.

2d. The largest circulation the bank ever had was $39,534.

3d. The amount of outstanding liabilities is about $27,000, and assets about $30,000. Amount already deposited with me, is about $5,000.

4th. Most of the assets are considered eventually good, but much time must elapse before they can be realized in money.

5th. The capital stock, as I understand, was all paid in specie, no specie certificates ever having been used or counted as specie.

6th. Amount in suit and in judgment, is about $12,000.

Not expecting to make my report until February, I am not

prepared to give as full answers as to amounts, as might be desirable.

Yours, respectfully,

C. K. GREEN,
Receiver of Bank of Niles.

Lenawee County Bank.

Adrian, December 13, 1839.

DEAR SIR—Your circular to me in relation to the affairs of the Lenawee county bank, has been mislaid, and I shall consequently be unable to answer categorically your questions concerning the bank.

The books of the bank are very imperfect, and do not show how many bills were originally ordered, nor how much specie was paid in as capital. It appears from the books that there never was more than $198 in specie in the bank after it commenced operations.

The books show a circulation, or rather the issue of $22,734 in notes during the time the bank was in operation, but does not show how much was issued on discounted paper, or how much for exchange. In fact there has been a much larger amount of their paper in circulation than the books show.

I have received in bills and certificates of deposite and drafts,	$23,868 00
Of the above I have endorsed upon discounted paper, considered not good, the sum of	10,076 00
Leaving still on hand to be redeemed by me as receiver, the sum of	$13,792 00
The discounted paper originally coming into my hands, together with the receipts for money, amounted to	33,700 00
not one of which I considered good.	
As above stated, I have endorsed on the above,	10,076 00

I do not hope to collect any thing on the paper I now have, except some receipts that I have given for notes, and which they are attempting to buy up. I know that this is not a very satisfactory statement, but the books of the bank are so very imperfect, that I am not able to make any better one.

Yours, truly,

WM. GREENLY,
Receiver of Lenawee County Bank.

Bank of Kensington.

SIR—Your circular of the 27th ultimo, has just come to hand, and I herewith subjoin answers to your several interrogatories:

1st. The amount of notes obtained from engraver was $110,000, and they were supposed to have been ordered by Beckford P. Hutchinson, one of the directors.

2d. There is no means of ascertaining exactly the largest amount in circulation, but when it came into the hands of the receiver, the circulation was supposed to be $55,725, which was the difference between the engraver's bill and the amount on hand; this circulation was all out for "exchange," except $3,212, the amount due on discounted paper.

3d. The amount of outstanding liabilities was supposed to be $55,725, of which $17,331 has been deposited in my hands as receiver.

4th. The whole amount of assets belonging to the bank was $68,979 80, but little more than the discounted paper is considered good and available.

5th. Probably less than $1,000 of the capital stock was paid in, "bona fide." The principal basis of the bank was "specie checks" and "stock notes" of the stockholders.

6th. About $21,150 of the assets have been prosecuted and the amount in judgment is about $14,000.

I have the honor to be, with much respect,
Your obedient servant,
KINGSLEY S. BINGHAM,
Receiver of the Bank of Kensington.

Farmers' and Mechanics' Bank of Pontiac.

Pontiac, December 16, 1839.

P. MOREY, *Esq., Attorney General of the State of Michigan:*

SIR—Yours of 27th November, was duly received, and in conformity to your request therein contained, I herewith transmit to you the following statement in regard to the Farmers' and Mechanics' bank of Pontiac.

1st. The bill of Rawdon, Wright & Hatch, engravers, shows that $224,500 were ordered by G. W. Williams, and the following is a copy of the statement of said engravers as to whom the impressions were delivered:

1837, Nov. 16,	To J. McReynolds,	2,000	imps.	5, 5, 5, 10
" " 22,	" A. Goodrich,	1,000	"	"
" Dec. 13,	" C. Hewitt,	1,000	"	"
1838, Mar. 13,	" Jno. Norton, jr.,	4,000	"	"
" " " "	"	3,500		1, 1, 2, 3

Of the above the officers of the bank acknowledge the receipt of only $49,925 00.

2d. It is impossible to ascertain from the books and records of the bank, with any degree of certainty, the largest amount in circulation at any one time. When the books were delivered to me, the amount in circulation, as near as could be ascertained, was $16,880 00. There is no evidence that any of this amount was out for exchange.

3d. The outstanding liabilities are as follows, to wit:

Notes in circulation, as above stated,	$16,880 00	
Engravers' bill,	1,238 75	
Balance due individuals, as per books,	6,798 03	
		$24,916 78

Of which the following are in my hands, as receiver:

Notes of the bank,	$8,435 00	
Engravers' bills,	1,238 75	
		$9,673 75

4th. Assets—

Balance due from individuals on accounts, as appears from the books,	$15,099 29	
Discounted notes,	9,005 66	
Banking house, furniture, &c., estimated at	292 00	
Notes of broken banks,	1,063 00	
		$25,459 95

Three-fourths of the above amount of assets are at present considered doubtful.

5th. The books show that ten per cent. on the whole stock was paid in in specie at the organization of the bank, and I am informed, (but the books show nothing of the kind) that John Norton, jr., was treasurer of the bank, and that he gave a certificate for twenty thousand dollars in specie deposited in the State bank of Michigan, to the credit of said Farmers' and Mechanics' bank, but whether the same was bona fide the property of the Farmers' and Mechanics' bank, I know not.

It appears by the directors' book, that at a meeting of said directors, held at the banking house on the 28th of December, 1837, a resolution was passed allowing each stockholder to check out thirty per cent. on his whole amount of stock, to exchange on interest, and subject to the call of the bank, (and each stockholder undoubtedly availed himself of the privilege.)

6th. Nearly all the notes and accounts in favor of the bank have been prosecuted, and the amount in judgment is $2,613 53.

Many embarrassing circumstances have arisen in the progress of collecting the demands in favor of the bank, and some

time yet must elapse before judgments can be recovered on the suits now pending.

A demand for ten thousand dollars against Stewart, Sawyer & Co., of St. Joseph, makes a part of the assets of the bank, and considering the demand of little value, I took $2,835 of the bills of said Farmers' and Mechanics' bank, and endorsed the same on the security against them, which sum is embraced in, and makes a part, of the foregoing liabilities.

Which is respectfully submitted, by

WM. DRAPER,

Receiver of the Farmers' and Mechanics' Bank of Pontiac.

N. B. There are other claims presented against the bank to a large amount, and some of them filed in set off in the pending actions. I find also an errror in the books of the bank in the account of Dr. Williams, of $2,000, which will reduce the assets by that amount. He also claims $10,000 for his services as cashier. I have received in money little, if any, more than to meet my disbursements. Almost every species of defence is interposed to prevent my obtaining judgment in the actions commenced, and so much uncertainty exists, that no very satisfactory information can be now given. The judgments were of the present term, and will be enforced if possible. But no man who owes a debt owns any *property* in *Oakland.*

Bank of Brest.

P. MOREY, *Attorney General of the State of Michigan:*

Statement of the condition of the Bank of Brest, as appears by the books of same, and of statements made by bank, of Aug. 2, 1838.

Amount of bills obtained from engravers as appears in statement made by bank, dated Aug. 2, 1838,	$246,000 00
The largest amount ever in circulation at one time, as appears by books of same,	94,600 00
Amount of bills out for exchange purposes, as appears by statement of bank, of Aug. 2, 1838,	19,816 00
Amount loaned on discounted paper, as appears by books of the bank,	68,813 68
Amount of outstanding liabilities, as appears by books of the bank, and including $50,000 bank stock,	168,911 50
Amount deposited in hands of receiver,	85,543 00
Amount of assets belonging to bank, as appears by books of same,	140,637 86

Capital stock paid in, as appears by books of bank, $50,000 00
Amount of assets prosecuted, 117,248 51
Amount of assets in judgments,
Drafts prosecuted, accepted by L. A. Spalding, for 3,000 00

The receiver cannot give any correct information as to the availability of the assets of the bank of Brest, but it is his opinion that they are all of a doubtful character.

All of which is respectfully submitted,

JOHN McREYNOLDS,
Receiver of Bank of Brest.

Detroit, December 17, 1839.

Bank of Allegan.

Kalamazoo, Dec. 16, 1839.

SIR—Yours requiring of me answers to certain queries touching the bank of Allegan, did not reach me until to-day, and I hasten to answer them without delay.

1st. The amount of notes obtained from the engraver was $50,000, and were ordered by Alexander L. Ely, president of bank.

2d. The largest amount ever issued was $39,600.

3d. The amount of outstanding liabilities between $34,000 and $35,000, and the amount deposited with me as receiver, is $8,266 69.

5th. Assets of the bank, $44,624 16; of this amount $14,830 may be considered available, and $29,394 16 doubtful; this does not include the bonds and mortgages filed with the auditor general, from which, *perhaps* from 3 to $4,000 may possibly be realized.

5th. Not a dollar of specie was paid in of the capital stock. The bank was started upon the basis of a specie certificate in whole, and the certificate was issued by the bank of Clinton, and paid into bank (as the receiver believes,) by David B. Stout.

6th. The amount of assets in prosecution, $26,134 13. No judgments yet matured.

Yours, &c.,

F. W. CURTENIUS,
Receiver Bank of Allegan.

Wayne County Bank.

Detroit, Dec. 30, 1839.

To PETER MOREY, *Esq. Attorney General, State of Michigan:*

SIR—In compliance with the request contained in your com-

munication of the 27th ult., I make the following report upon these points in the affairs of the Wayne county bank, touching which, you have particularly solicited information. I have delayed answering your communication till now, hoping ere this to have concluded an important arrangement, which has been a matter of much solicitude, and if perfected, will greatly diminish the indebtedness of the bank. I refer to an arrangement for the purpose of recovering several thousand dollars illegitimately in circulation.

1. An amount of the circulation, notes signed and notes blank, shows the amount of $101,000 to have been obtained from the engraver; and, as I have been informed by Cullen Brown, one of the directors, they were ordered by himself, H. A. Noyes and J. D. Davis.

2. From the books, I cannot with certainty ascertain the largest amount ever in circulation at one time; but from a comparison of accounts, I believe that at one time, there was a circulation of not less than $45,000, of which $18,000 was out for exchange, and the balance of $27,000 loaned on discounted paper.

3. The outstanding liabilities, in which I include only the circulation and such miscellaneous claims as have been deposited with me, amount to $16,252 78; and of this sum, only $4,432 78 have been deposited in my hands as receiver. There is an illegitimate circulation of about $11,500 00, growing out of an exchange agency, which, or the quarter part of which, I still hope to recover. Deduct this, and the outstanding liabilities are reduced to about $5,000. It must also be perceived, that the expenses incident to the settlement of the affairs of the bank, do not enter into the foregoing account of the liabilities.

4. The assets to meet the present liabilities I estimate at $8,452 43, of which, I believe not more than one-half can safely be considered good and collectable in the present embarrassed state of the country. These assets arise principally from discounted paper.

5. I have no means of ascertaining what amount of capital stock was *bona fide* paid in specie, as required by law. Upon this subject, as also upon the use of specie certificates, and the borrowing of specie to start the bank, I am altogether in the dark, the books and papers furnishing little or no information.

6. Of the assets of the bank, as estimated in my report to the chancellor, the amount of $10,811 64 has been prosecuted, and of this amount the sum of $7,147 99, has been brought to judgment in favor of the bank.

All the foregoing results I do not claim to be strictly accurate, and especially those which are arrived at by out-door testimony and a comparison of accounts, upon which the books

throw but little light. I have no reasons, however, to believe, that they vary far from the truth.

The apparent discrepancy between the above estimate of liabilities and resources and that contained in my report to the chancellor, arises from my having in the mean time, under your advice and in the exercise of a sound discretion, received upon sundry demands due the bank and my certificates as receiver, thus at the same time diminishing both the present resources and present liabilities.

Yours, respectfully,

A. W. BUEL,
Receiver Wayne County Bank.

Detroit, January 8, 1840.

SIR—Since the making of my late report to you concerning some of the affairs of the Wayne county bank, I have been successful in recovering the sum of $5,860 of the $11,500 de-designated in said report as illegitimately in circulation, thus making a large diminution of the outstanding liabilities, without diminishing the resources. I shall be pleased if this note can find a place in your printed report to the legislature.

Yours, respectfully,

A. W. BUEL,
Receiver Wayne County Bank.

To PETER MOREY, *Attorney General State of Michigan.*

Detroit City Bank. In Chancery, First Circuit.

Kintzing Pritchette and Digby V. Bell, Bank Commissioners,
vs.
The Detroit City Bank.

The following is a statement of the condition of the said Detroit city bank, furnished by said bank in pursuance of the stipulation entered into by the parties to this suit, on the twentieth day of December, in the year of our Lord, one thousand eight hundred and thirty-nine, viz:

Assets of said bank.

The whole amount of discounted notes now on hand and belonging to said bank, all which are deemed good and collectable, is sixty thousand nine hundred and ten dollars and fifty-four cents; not including the interest due on said notes, $60,910 54

Banking house, office attached to the bank room and repairs, valued at two hundred and ninety-eight dollars and four cents, 298 04

The following articles of furniture: one iron safe, one clock, one pair scales and weights, two

pairs counter and case, one large desk, one small desk, one double desk and table, one dwelling attached to the bank building in Detroit, one stove and pipe; the value of the whole amounting, by reasonable estimation, to eleven hundred and eighty-one dollars and seventy-six cents, 1,181 76

The articles last mentioned are pledged by the Detroit city bank to the Michigan state bank, as security for a debt due from the former to the latter, hereafter mentioned.

Debts due from other banks to the Detroit City Bank, viz:

From the bank of Niles, on account, the sum of nineteen hundred and four dollars and seventy-one cents,		$1,904 71
From the bank of Battle Creek, on account,		1,744 26
do	do of Manchester, on account,	817 53
do	do of Saratoga county, New York,	4 53
do	Commercial bank of St. Joseph,	2 00
do	Clinton canal bank, due on the certificate of the receiver,	11,534 12
Amount due from other banks,		$16,007 25
Amount of notes left with attorneys for collection,		2,258 90

Suspended debt, viz:

Amount due Detroit city bank on sundry bonds secured by mortgages on real estate in the state of Michigan, taken in sundry settlements, is	$16,592 78	
On certificate of bank of Singapore,	704 05	
Balance due on note of S. Blanchard and others,	1,453 45	
Balance due on note in hands of Mr. Potter,	79 41	
Amount of certificates of sundry receivers of safety fund or "wild cat" banks,	4,256 00	
Two protested drafts due from the bank of Saline,	2,049 56	
Amount of suspended debt,		25,135 23
Amount of bank stock of the Detroit city bank, received in payment of debts,		3,000 00
Amount due on a bond executed to the Detroit city bank by David Paddock and W. S. Stevens, which is secured by seventeen thousand		
Carried forward,		$

Brought forward,			$
dollars in bills of the Clinton canal bank, for which the city bank holds the certificate of the receiver of said Clinton canal bank; and by about three hundred acres of land, besides a large amount of "Fort Wayne stock," and sundry other securities,			13,757 33
Over drafts due Detroit city bank, viz:			
From H. M. Campbell, on account,	$217 54		
do T. C. Sheldon, do	828 43		
do E. Brooks, do	1,712 51		
Curran & Cosgrave, (secured,)	659 75		
From Lewis Godard, (secured by attorney general's receipt for bills of the bank of Brest, $5,700,)	3,835 40		
Sundry other persons, in small amounts,	215 56		
			7,469 19
Bills of other banks, &c., in hand:			
In bills of the bank of Saline,	$23,509 00		
do bank of Singapore,	1,745 00		
do bank of Washtenaw,	953 00		
Bills on special deposite,	1,177 00		
Bills of sundry other banks,	361 00		
Cash papers,	4,650 12		
Bank of Brest,	1,133 00		
Amount due on mortgage from H. M. Campbell,	2,500 00		
			36,028 12
Whole amount of assets as above stated, owned by the Detroit city bank, December 20th, 1839, is one hundred and sixty-six thousand forty dollars and thirty-six cents, not including the interest due on the above mentioned debts,			$166,040 36

II. Statement of the creditors of the Detroit City Bank.

Capital paid in by and due to stockholders, subject to the debts of the bank,			$60,000 00
Amount of bills issued and unredeemed, ($4,986 of the amount pledged to Michigan state bank,)			11,300 00
Profit due stockholders on profit and loss account,			5,584 97
Due to other banks,			
To the bank of Utica, on account,	$19 29		
" Clinton, "	1 50		
The Michigan state bank,	1,238 19		
The bank of Michigan,	41 41		
The Albany city bank,	$5,000 00		
Interest on this debt,	358 57		
		5,358 57	
			6,658 90

Drafts drawn on the Albany city bank, $26,555 50
Amount held on deposite by Detroit city bank, 55,646 49

As to this last item, see the following statement for particulars:

1st. The names of depositors, and persons having open accounts.

2d. Their residences.

3d. Amount due each in the *open account;* under which head are contained,

1st. Amounts due in safety fund bills.
2d. do country chartered bills.
3d. do cash.

4th. Amounts due each by *certificate* issued by the bank; under which head are contained,

1st. Amounts due in country safety fund bills.
2d. " " chartered "
3d. " cash.

The results are as follows:

1. Aggregate amount due by open account in country safety fund bills, $5,491 80
Aggregate amount due in country chartered bills, 1,360 45
" " cash, 2,707 90
2. Aggregate amount due by certificates in country safety fund bills, 22,546 86
Aggregate amount due in chartered bills, 9,525 89
" " cash, 963 94

$42,596 84

The amount of bills engraved for the Detroit city bank and received by them, is $202,000 00
The whole ever signed, is 39,200 00
Greatest amount ever in circulation at one time, 21,698 00
Amount in circulation December 20th, 1839, (including the sum of $4,986 00 hypothecated to the Michigan state bank, to secure two accommodation drafts,) 11,300 00

The following is the form in which certificates of deposite have been uniformly issued by the Detroit city bank:

$100 00. DETROIT CITY BANK, *July 4th*, 1838.

John Doe has deposited in this bank, one hundred dollars in country safety fund bills, (or in country chartered bills, as the case happened to be) to the credit of Richard Roe, payable in the same kind of funds, subject to his order hereon and return of this certificate.

JOHN SMITH, *Teller.*

And the said bank has ever been and still is ready to pay such certificates in the kind of funds therein specified, except when payable in cash.

State of Michigan, Wayne county, ss.

Cullen Brown, of said county, being duly sworn, deposes and says, that he is the cashier of the Detroit city bank, that he has carefully examined the foregoing statement and compared the same with the books and vouchers of said bank, and that from such examination, and upon his own knowledge and from audible information derived from others, he verily believes said statement to be correct and true.

Sworn to and subscribed before me, this 28th day of December, A. D. 1839.

THEO. WILLIAMS,
J. P., W. C., M.

(*Schedule B.*)

Abstract of Reports of Prosecuting Attorneys for the year 1839.

County of Monroe.

For Larceny,	16
Conspiracy,	6
Counterfeiting,	5
Embezzlement,	2
Riot,	3
Adultery,	1
Keeping gaming house,	4
Assault and battery,	10
Coining,	1
Keeping disorderly house,	4
Destroying furniture,	1
Aiding criminal to escape from jail,	1
Suffering prisoner to escape,	1
Not paying over school money,	1
Aiding escape,	1
Escape from jail,	1
Forgery,	1
Abetting on horse racing,	3
Maiming animal,	1
Selling liquor without license,	1
" on Sunday,	1
Number of indictments,	61

Thirteen trials, six acquitted and seven found guilty.

County of Branch.

For passing counterfeit money,	14

Larceny,	1
Assault and battery,	1
Number of indictments,	16

Two trials, both acquitted.

Shiawassee County.

For perjury,	1
Counterfeiting,	1
Making implements for counterfeiting,	1
Altering a public record,	1
Aiding escape,	1
Number of indictments,	5
Examination on criminal charges,	4

One trial, jury disagreed.

Ingham County.

For assault and battery,	1
Disturbing religious meeting,	2
Number of indictments,	3

One removal from office,
No trial.

Oakland County.

For assault and battery,	9
Rape,	1
Riot,	1
Larceny,	3
Perjury,	2
Passing counterfeit money,	3
Forgery,	2
Polygamy,	1
Fraud under general banking law,	1
Breaking jail,	1
Libel,	1
Number of indictments,	24
Examinations before a justice,	15

Fifteen trials, nine convictions.

Genesee County.

For assault and battery,	2
House breaking,	1
Larceny,	1
Fraud,	1

Number of indictments,	5
Number of examinations before justice,	8

No trials.

Kalamazoo County.

For selling spirituous liquors,	3
Assault,	1
Perjury,	1
Incest,	1
Larceny,	5
Burning hay stack,	1
Obtaining goods under false pretences,	1
Number of indictments,	13
Number of examinations before a justice,	6

Five trials, two convictions.

Jackson County.

For Larceny,	4
Selling liquor without license,	4
Conspiracy,	2
Assisting to break jail,	2
Assault and battery,	2
Obtaining goods under false pretences,	1
Unlawful cohabitation,	8
Riotous assault,	1
Number of indictments,	17

Six trials aud four convictions.

Lenawee County.

For perjury,	3
Mixing poison,	1
Assault,	1
Larceny,	16
Embezzlement,	1
Receiving stolen goods,	4
Destroying trees,	1
Buying stolen goods,	1
Misdemeanor,	2
Assault and battery,	1
Conspiracy,	2
Passing counterfeit money,	1
Number of indictments,	34

Recapitulation.

For conspiracy,	10
Counterfeiting,	6
Embezzlement,	3
Riot,	4
Adultery,	1
Keeping gaming house,	4
Assault and battery,	23
Coining,	1
Disorderly house,	4
Destroying furniture,	1
Aiding to escape jail,	1
Suffering prisoner to escape,	1
Not paying over school money,	1
Aiding escape,	1
Escape from jail,	2
Forgery,	3
Abetting on horse racing,	3
Maiming animal,	1
Larceny,	42
Selling spirituous liquors without license,	4
do do do on Sunday,	1
Passing counterfeit money,	18
Making implements for counterfeiting,	1
Altering public record,	1
Disturbing religious meeting,	2
Rape,	1
Perjury,	5
Polygamy,	1
Fraud under general banking law,	1
Breaking jail,	1
Fraud,	1
Libel,	1
House breaking,	1
Assault,	2
Incest,	1
Burning hay stack,	1
Obtaining goods under false pretence,	1
Receiving stolen goods,	4
Mixing poison,	1
Destroying trees,	1
Buying stolen goods,	1
Misdemeanor,	2
Total number of indictments in the counties where the prosecuting attorneys have made reports,	159

[No. 20.]

Report of the select committee, to whom was referred that portion of the Governor's Message, relative to a Ship Canal around the Sault de Ste Marie, &c.

Your committee to whom was referred that part of the governor's message that pertains to the opening a ship canal past the falls of Sault de Ste Marie, would most respectfully beg leave to report:

That on a thorough examination of the subject, and from the evidence obtained from various undoubted sources respecting the facts set forth in this memorial, they ask for the adoption of the following memorial:

To the Honorable the Senate and House of Representatives, of the United States, in Congress assembled:

The legislature of the state of Michigan convened at the capitol of the state, at their regular session for 1840, would respectfully call their attention to the subject of speedily opening by canal, that boundless field for the adventure and enterprize of the citizens of six states and one territory, that will have access to, and be immediately benefitted thereby.

Said opening, as proposed, will extend our ship and steamboat navigation, by adding an extent of about 1600 miles of coast navigation to those lower lakes. The importance of this work will more readily be appreciated, by a statement of the following facts respecting the climate, productions, resources and extent of this hitherto unexplored and almost unknown region. The whole of Lake Superior, lies within the latitude of, and the agricultural products would be nearly similar to those of Lower Canada, particularly along the southern coast, on which there is large tracts of good farming country.

Apart from the immense forests of pine timber, through which innumerable streams fall into the lake, forming mill-seats and harbors, the productions of this American Baltic in fish and minerals, are literally endless. The fisheries of Lake Superior are destined to furnish an immediate source of profitable employment to a large amount of our constantly increasing shiping, and a nursery for our seamen.

The wonderful facilities with which large cargoes can be taken and packed for market, are fully demonstrated by the success of adventurers, who have under many disadvantages, commenced that business, and has likewise resulted in confirming the assertion, that they are literally inexhaustible. This article is sought for with the greatest avidity, in exchange for the surplus productions of the farming country bordering on

these lower lakes, and this said surplus is precisely the articles required for the consumption of, and the carrying on the business of exchange with that upper country.

The different kinds produced in those waters, are whitefish, trout, and siscowette, and the favorable season for each is alternate, so that it is a peculiar fact, that fishermen can be profitably employed throughout the whole season, without any intermission, only by changing their different stations from one point to another. The most prominent points, or grounds, are the great sand banks near the lower part of the lake. This is one continued fishery, for a distance of about sixty miles long, without any interruption for about six months in the year. Isle Royal, Grand Portage, Fond du Lac, Le Pointe, Pointe Kewinnaw, and Grand Island, are some of the most prominent points to which our earliest adventurers may direct their attention; all fine harbors for the largest shipping, and mostly covered with timber for steamboat purposes.

It is not uncommon for two men, when properly furnished with a small boat and suitable tackle, to put up in one season 150 barrels for market, whose whole outfit would scarcely cost in the city of Detroit, $200.

The whole country adjoining, and far beyond, abounds in vast abundance, in all the rich and valuable furs found in similar parallels of latitude, both in Europe and America.

The long established practice or policy of the British government, of keeping up a British influence among our frontier tribes of Indians, would by this means be successfully annihilated, by the overbalancing effect of an American influence, that must flow from the circumstance of their receiving their wants in lieu, from American citizens.

It has been reported frequently, by scientific travellers, that copper and copper ore of a rich quality, was supposed to exist in many parts of that region. That subject has, the past season, been thoroughly examined, and confirmed beyond a doubt, (if any existed,) that immense beds of ore show themselves on the surface, and immediately on the shores of the lake, which on being analyzed by different scientific professional gentlemen, vary in richness from 46 to 93 per cent. The principal beds of this rich and valuable ore, lie about midway of lake Superior, situated at the bottom of a most safe, commodious and beautiful harbor.

All the obstruction that now exists to the opening of this lake for navigation, is at the falls of Ste Marie, where a canal has been projected, surveyed and estimated at $114,000, by the authority of the state of Michigan.

Your memorialists, therefore, the senate and house of representatives of the state of Michigan, would most respectful-

ly solicit congress for suitable appropriations of money or lands, or both, for the construction of said canal.

Resolved, (if the senate concur,) That our senators be instructed, and our representative be requested, to urge upon congress the importance of the above appropriation.

Resolved, That a copy of the above memorial and resolution be transmitted by the secretary of state, to each of our senators and representative.

[No. 21.]

Report of the committee on University and School Lands, adverse to the petition of James Rausted and others, for an acre of University land for a school house in school district No. 8.

The committee on university and school lands, to whom was referred the petition of James Rausted and others, citizens of school district No. eight, Bertrand township, Berrien county, praying for a grant of an acre of university land to build a school house upon, have had the same under consideration; and also a remonstrance signed by Paine, Smith and others, citizens of said destrict remonstrating against granting the prayer of said petitioners, and would respectfully report:

That aside from the doubts which your committee might entertain of the propriety of granting the prayer of the petitioners, provided no objections were laid before them, it appears from the remonstrance referred to (and which is signed by nearly as many citizens as the petition) that the land asked for, is not situated so as to accomodate the entire inhabitants of the district as well as some other point, and that it would create considerable dissatisfaction if the school house was permanently located thereon.

Your committee would therefore report adverse to the prayer of said petitioners, and respectfully ask to be discharged from the further consideration of the subject.

All which is respectfully submitted.

GROVE SPENCER, *Chairman*.

[No. 22.]

Report of the committee on University and School Lands.

The committee on university and school lands, to whom was referred a resolution, offered by Mr. Hammond, instructing said committee to take into consideration the propriety of letting actual settlers who have purchased more of our university and school lands than they at present, are able to keep, retain as much of said land as will be a just and fair equivalent for the moneys already paid, ask leave to report: that, in their opinion, property of all kinds has been high for the last three years, and that many individuals have paid and agreed to pay more for property than it will at present fetch; and in consequence of which, much distress now pervades the country.

Yet your committee, likewise think, that contracts should be complied with, and if not, the person failing to fulfil, should be patient under his own acts so far as others are concerned; and if contracts are sacred between man and man, they should be equally so between an individual and the state.

And further, your committee are of the opinion that the sale of said lands would be very much injured, by sub-dividing, in a manner that would be satisfactory to such purchasers; and your committee are aware that at this time, we, as a people, if possible, would be very glad to retract from many of the engagements of the last three years, but it is always the case, that in every contract, there are at least two parties, and to discharge one at his pleasure would generally prove disastrous to the interests of the other.

And your committee are of the opinion, that while it would be convenient for the purchasers of said lands to retract from their engagements, and retain portions of the land, it would be destructive to the interests of the state.

And your committee would respectfully ask to be discharged from the further consideration of the resolution.

All of which is respectfully submitted.

[No. 23.]

Special Message.

To the Senate and House of Representatives:

It is fully in your recollection, gentlemen, that our fellow-citizens have recently expressed their opinion in relation to a proposed change in an important feature of our constitution.

Every thing which, even in the most minute particular, affects that solemn instrument, at once assumes a momentous character. We have all gravely *sworn* to support it; it is *from* it, and through it, that the legislature derives all the political power it can exercise; it furnishes the only sanction which its official acts can possess; and while it protects the inestimable civil rights of every citizen, it announces also, in all things of which it treats, the authoritative and sovereign will of that whole people, whose appointed agents we are. Whatever then effects its construction, or brings into question any of its provisions, is entitled to our most serious considerations. But what *barely human* institution can claim to be exempt from those imperfections which are incident to our nature? None! The framers of our constitution were sensible of this truth; and most wisely, therefore, they provided a mode in which its imperfections, when practically discovered, might be adequately corrected; and by which, without disturbing the harmonies of government, or inducing any destructive convulsions, it might, from time to time, be made quietly to accommodate itself to the varying and successive exigencies of our future progress. The legislature of 1838 was of the opinion that it would be beneficial to change it in regard to the exercise of the right of voting. That body accordingly introduced, and passed through the forms required, a resolution proposing certain amendments to the constitution of the state; and the resolution was printed with the legislative acts of 1838.

The subject was again passed upon at the session holden in 1839; and with the laws of the legislature, a resolution, entitled "A joint resolution relative to an amendment to the constitution," was published, which comprises the same matter.

Influenced, concerning every thing relative to our fundamental law, by the sentiments I have avowed, I have deemed it essential to present to you a statement of such proceedings as may have been had, consequent upon the first introduction of this measure; and especially such as do not consist of legislative action merely.

If, upon a full examination of this statement, and of the whole matter, it should be manifest to you that the mode prescribed in the first section of the thirteenth article, for amending the constitution, has in all things been strictly pursued; and that the amendment proposed, has been fully approved, sanctioned and ratified, by the people of this state, then I would respectfully recommend the passing, by you, of a legislative act, solemnly declaring the fact, and that the amendment alluded to, has been ratified and adopted, and has become part of the constitution of this state.

But if, upon such strict examination, you should find fatal irregularities in the proceedings which have been had, and that

the mode indicated by the constitution itself, for effecting such amendments, has not been pursued, I must submit to your wisdom to devise such ulterior measures, as respect for the expressed opinions of our constituents, and a due regard also to our own powers, prescribed and limited as they are, may seem to call for.

I submit then, herewith, the statement which I have received from the secretary of state, in compliance with my requisition upon him.

That statement sufficiently exhibits, I think, the wishes of our constituents in the matter submitted to them; and leaves little further to be inquired of, except as to whether the process, from the beginning, has in all respects been in conformity with the provisions of the constitution itself?

Upon an examination of the journals of the senate and of the house of representatives, of the session holden in 1838, with reference to this object, and in tracing the same measure through the journals of both houses, at their succeeding session in 1839, I indulge the hope that you may finally rest satisfied, that in all essential particulars, the process has been such as is warranted. But there is an ambiguity in the journal entries concerning the matter, and an obscurity hanging over the whole subject, which is perplexing and painful—yet nothing should be more clear—nothing should be more free from doubt, than our organic and fundamental law. It is peremptorily required by the 12th section of the 4th article of the constitution, that "each house shall keep a journal of its proceedings and publish the same," &c.; and being published according to this express injunction, it constitutes a species of evidence of the highest grade; it requires a sort of sanctity even, which may well challenge the entire credence of the whole community. It ought then to be kept with a degree of caution and correctness corresponding with its highest importance; and especially in a matter so grave, it should be full, clear, and explicit.

I will not trouble the legislature with the process, nor the results in detail of my own examination of the journals of the two houses, for the two successive sessions, during which the measure in question was necessarily pending. Whatever complex questions they may present, and whatever ambiguities may hang over the subject, I have nevertheless deemed it principally important, to ascertain whether, without regard to any supposed irregularities, (except such as directly conflict with mandatory requirements of the constitution,) the requisitions of that constitution have been substantially complied with; and these inquiries, I think gentlemen, are very appropriately and necessarily referable to the scrutiny, and the wisdom of the legislature.

But I am unwilling, gentlemen, finally to commend this subject to your earnest consideration, as I do, without adverting to an important fact which is collaterally disclosed, in the report of the secretary of state, viz: that the votes of some of the counties of the state were excluded from all computation, by the canvassers. I hazard nothing in saying, gentlemen, that this is not as it should be. I am not, in this, to be understood as intending to cast the slightest censure upon the gentlemen who officiated as canvassers. On the contrary, so far as the circumstances are made known to me, those gentlemen, could not, properly, have done otherwise than they did. It is our pride, gentlemen, and our boast, that ours is a government of *laws*, not of *men*. The course of the gentlemen who officiated as canvassers, was *prescribed* for them, by the law; and they *could not violate* the *law* in order to *give effect* to the law.

It furnishes cause for satisfaction, no doubt, that the final result would have been the same, if all the legal votes had been counted; but this fortuitous event does not satisfy justice, nor in any wise lessen the destructive evils, almost certain to follow in the course of such precedents if suffered to pass unreproved. In truth, there is no so important political right, in republican government, like ours, as the right of suffrage. Crime may, for a time, go unpunished; society may be convulsed by desolating disorders; faithless public agents, unprofitable and reckless rulers may be appointed. For all such evils, we may confidently look for redress in the virtuous, honest and *protected* exercise of the hallowed right of suffrage. It is to this right we are to resort, for a corrective to all existing political evils; it is this which furnishes the only recognized and appropriate medium, through which the sovereign will is to be expressed. There is no political right, therefore, which demands so constant, so scrupulous, so vigilant protection.

Although final results may not have been varied by the exclusion of the votes of so many of our fellow citizens, yet it was not less their right, that they should have been *counted;* and why were not the rejected votes sent in, by those, whose sworn duty it was to do so? Why were the votes of Washtenaw, Kalamazoo and Allegan, too, detained, (as would seem to have been the fact, by the report of the secretary of state,) until special messengers were sent for them? And why, the proper returns having in so many instances, now and heretofore, been thus *illegally* kept back, does it happen that we hear of no convictions upon criminal prosecutions, or of no punishment, for so dangerous and so frequently repeated a political offence?

By the provisions of chapter 9 title 2 part 1 of the revised

statutes, such neglect was probably intended to be punished by fine or imprisonment, and after conviction, by amotion from office. Is there want of certainty in these statutory enactments?

Are the duties enjoined upon the county clerks or other county officers, to vaguely described? are those offences inadequately defined?

For such defects, if they exist, there can be little doubt but that you will be enabled to find appropriate remedies; and if you should entertain the belief that conviction and final amotion from office, in case of the actual neglect of so vitally important duties, follow too tardily the commission of the offence, I think it quite competent for the legislature, without the violation of constitutional right to provide, upon a prima facia showing of guilt to the proper authorities, for the immediate suspension of the incumbent charged, until the tardy but sure judgment of the law shall have been pronounced.

While I feel that it would be improper in me, gentlemen, to solicit your attention to many objects which might seem to warrant your legislative interposition, lest you might think such a course would tend to protract too much your present session, yet I venture, respectfully to recommend this particular subject to your early consideration.

WM. WOODBRIDGE.

EXECUTIVE OFFICE,
January 27, 1840.

SECRETARY OF STATE'S OFFICE,
Detroit, January 17, 1840.

SIR—The proposed amendment to the state constitution, confining electors, in voting, to the township or ward in which they reside, submitted by the last legislature to the people, to be approved or rejected by them at the general election in November last, has, as it appears from the official canvass of the votes given upon it, been ratified and adopted as a part of the constitution of the state. Enclosed I send you a copy of the state canvass of record in this office.

As it appears upon the face of the canvass that no return of votes had been received from the counties of Chippewa, Kent, and Livingston, at the time the canvass took place, it is proper, perhaps, for me to state the reason why they had not before that time been procured by means of a special messenger. No explanation, however, is deemed necessary to the first named county. Its remoteness from the seat of government and the difficulty of access to it so late in the season, precluded the idea, of appointing a special messenger for that county. With regard to the other two counties, the returns from Washtenaw

Kalamazoo and Allegan not having been received, a special messenger was despatched to these three counties and to the two above named, who after proceeding to Allegan, on account of an accident that happened to him, returned without going to either Kent or Livingston. He was, however, again despatched for those counties, and owing to the difficulty of traveling in that part of the state at that season of the year, did not return until after the canvass, which was delayed as long as the law would permit. Had the returns of these counties been canvassed, they would not have changed the result, on the contrary they would have increased the majority in favor of the amendment.

The state treasurer and secretary of state being prevented by illness from attending the canvass, the board was composed of the auditor general, and attorney general.

Your most obedient servant,

RANDOLPH MANNING,
Secretary of State.

To His Excellency WILLIAM WOODBRIDGE.

State Canvass.

Statement of votes given in the state of Michigan, at the general election holden on the fourth and fifth days of November, one thousand eight hundred and thirty-nine, for and against the amendment of the constitution of the state, proposed by the legislature of 1838, and agreed to and submitted to the people by the legislature of 1839, by a joint resolution, entitled "A joint resolution relative to an amendment to the constitution," approved April 18, 1839.

Counties.	For the amendment.	Against the amendment.		Whole No. of votes.
Allegan,	82	98		180
Branch,	363	328		691
Berrien,	167	200		367
Barry,	56	23		79
Chippewa,			no returns rec'd.	
Calhoun,	514	442	5 noes 2 yeas.	963
Cass,	229	331		560
Clinton,	37	75		112
Eaton,	139	108		247
Genesee,	264	73		337
Hillsdale,	426	235		661
Ionia,	69	128		197
Ingham,	102	89		191

Counties.	For the amendment.	Against the amendment.		Whole No. of votes.
Jackson,	892	382		1,274
Kent,			no returns rec'd.	
Kalamazoo,	310	227		537
Livingston,			no returns rec'd.	
Lapeer,	291	205		496
Lenawee,	1,585	139		1,724
Michilimackinac,		82		82
Macomb,	266	453		719
Monroe,	374	738		1.112
Oakland,	1,465	1,627		3,092
Ottawa,	16			16
Shiawassee,	53	151		204
St. Joseph,	255	509		764
St. Clair,	214	251		465
Saginaw,			no votes given.	
Van Buren,	107	138		245
Washtenaw,	1,748	334	blank 1.	2,083
Wayne,	1,496	579	not the amend'nt 1.	2,076
	11516	7,949	scattering, 9	19,474

The whole number of votes given at said election, for and against the amendment to the constitution, was nineteen thousand four hundred and seventy-four, of which votes eleven thousand five hundred and sixteen were given for the said amendment, and seven thousand nine hundred and forty-nine were given against the said amendment, and there were nine scattering votes.

We certify the foregoing to be a correct statement of the votes given in the state of Michigan for and against the amendment to the constitution of said state, submitted to the people thereof at the said election, holden on the fourth and fifth days of November, A. D. 1839, (one thousand eight hundred and thirty-nine,) as appears from the canvass and examination of the statements of votes given in the several counties, received by the secretary of state from the respective county clerks, duly certified under their hands and seals of office.

In witness whereof we have hereunto set our names, at the office of the secretary of state, this nineteenth day of December, A. D. one thousand eight hundred and thirty-nine.

H. HOWARD, *Auditor Gen.*, } *Board of State*
P. MOREY, *Att'y Gen., Mich.*, } *Canvassers.*

State of Michigan, ss.

We the undersigned, having in pursuance of law, this nineteenth day of December, one thousand eight hundred and thirty-nine, at the office of the secretary of state, examined and canvassed the statements received by the said secretary, of the votes given in the several counties for and against the said amendment at the general election holden on the fourth and fifth days of November last, and made out a correct statement of the whole number of votes given at such election for and against said amendment, and certified such statement to be correct, and subscribed our names thereto, and it appearing from such canvass and statement that the greatest number of votes was given in favor of said amendment, do hereby determine that the said amendment has been duly approved and ratified according to the provisions of the first section of the thirteenth article of the constitution of said state.

H. HOWARD, *Auditor Gen.*, } *Board of State*
P. MOREY, *Att'y Gen. Mich.*, } *Canvassers.*

Proposed amendment to the Constitution of the State of Michigan.

At the last session of the legislature, the following resolution was passed, proposing an amendment to the constitution of this state.

A resolution proposing certain amendments to the Constitution of the State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment be proposed to the constitution of this state, and that the same be referred to the legislature, next to be chosen, and published in pursuance of the provisions of the first section of the thirteenth article; that so much of the first section of the second article of the constitution, as prescribes the place in which an elector may vote, and which is in these words, to wit: "district, county, or township," be abolished, and that the following be substituted in the place thereof, to wit: "township or ward," Approved, April 6, 1838.

The following is the first section of the second article of the constitution, referred to in the above resolution:

1. In all elections, every white male citizen above the age of twenty-one years, having resided in the state six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the signing of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote except

in the district, county or township, in which he shall actually reside at the time of such election.

RANDOLPH MANNING,
Secretary of State.

SECRETARY OF STATE'S OFFICE,
Detroit, July 20, 1838.

State of Michigan, Wayne County, ss.

On this day personally came before me, Cornelius Wendell, a printer in the office of the Democratic Free Press, a newspaper printed in the city of Detroit, in the county aforesaid, who being by me duly sworn, deposed and said that the annexed notice was published twelve successive weeks; that the first publication was on the twenty-first day of July, A. D. 1838.

C. WENDELL.

Subscribed and sworn this twenty-fifth day of January, A. D. 1840.

CHARLES WILCOX,
Notary Public, Wayne county, Michigan.

(Copy.)

Amendment to the State Constitution.

Notice is hereby given, that the following amendment to the state constitution, viz: "That so much of the first section of the second article of the constitution as prescribed the place in which an elector may vote, and which is in these words, to wit: "district, county or township" be abolished, and that the following be substituted in the place thereof, to wit: 'township or ward,'" has been submitted to the people of the state of Michigan for approval and ratification, according to the provisions of the first section of the thirteenth article of the constitution, at the general election to be holden on the fourth and fifth days of November next.

(Signed,) RANDOLPH MANNING,
Secretary of State.

Detroit, July 25, 1839.

State of Michigan, County of Wayne, ss.

On this day personally came before me, Cornelius Wendell, a printer in the office of the Democratic Free Press, a newspaper printed in the city of Detroit, in the county aforesaid,

how being by me duly sworn, deposed and said, that the annexed notice was published in the said newspaper thirteen successive weeks, the first publication was on the seventh day of August, A. D. 1839.

C. WENDELL.

Subscribed and sworn this twenty-fifth day of January, 1840, before me.

(Signed,) CHARLES WILCOX,
Notary Public, Wayne county, Michigan.

[No. 24.]

Report of the committee to whom was referred the petition of the River Raisin and Lake Erie Railroad Company.

To the Speaker of the House of Representatives:

The committee on the judiciary, to whom was referred the petition of the River Raisin and lake Erie railroad company, praying the state to indemnify them for the damage done to the chartered rights of said company, by the location of the southern railroad, and to purchase out the rights of said company, so far as the same are interfered with by the state railroad; and also the petition of one hundred and sixteen citizens of Monroe, praying the purchase, by the state, of the railroad of said company, from the city of Monroe to La Plaisance bay, as a termination of the southern railroad on lake Erie; having had the same under consideration, beg leave to report: That the River Raisin and lake Erie railroad company was incorporated by an act of the legislature of this state, of the 20th of March, A. D. 1836, by which they were authorized to lay out, and construct a railroad from La Plaisance bay, on lake Erie, in the county of Monroe, through the city of Monroe and village of Dundee, in the said county, until the same should intersect the Erie and Kalamazoo railroad, (another corporation created by this state,) at Blissfield, in the county of Lenawee; and also to lay out and construct several branches to said main road, among which was one from the city of Monroe, to the head of ship navigation on the river Raisin. That said company, immediately after its incorporation, in pursuance of the provisions of its charter, proceeded to carry the same into execution, and caused said road to be surveyed, located and properly recorded in the offices of the respective registers of the counties of Monroe and Lenawee, where said road was located.

By the provisions of their charter, said company were re-

quired to cause the road therein contemplated, to be commenced within two years, and to be completed within ten years from the time of their incorporation; preserving, however, to the company, their entire corporate rights to so much of said road commenced within two years, as should be completed within the said limitation of ten years.

The said company immediately after the survey and location of their said road, proceeded to extinguish individual rights to the land over which the same passed, and effected the same at a considerable loss, and thereafter without delay, proceeded in the construction of their said road, and at a heavy expense to said company, completed and put in operation four miles of said road, from La Plaisance bay to the city of Monroe, within eighteen months from their incorporation. To render their road of permanent utility to the public, and secure for it the safe and convenient access of the shipping of the lake, the company manifested a commendable spirit of enterprise, extended their road by substantial piling, nearly a mile into the bay, a point at all times approachable by the boats and other craft engaged in the navigation of lake Erie; where, too, the break-water constructed by the general government, affords a commodious harbor, the access to which, is rendered safe and convenient by a light house that the general government have deemed the importance and utility of the harbor demanded. This part of the work of the company, terminating at La Plaisance bay harbor, was commenced and first put in operation, as promising to secure the greatest public utility, as well as private emolument to the company, that then being, as it still is, the only point approachable with convenience by the shipping of lake Erie. In doing this, the company in no wise relinquished their right or intention to put in operation their branch, from the city of Monroe to the head of ship navigation on the river Raisin, there to meet the ship canal then, and still in progress, under the auspices of the general government. But in passing, your committee cannot forbear remarking, that as between these two points, as a termination for a line of railroad, the one at La Plaisance bay, until such time as the ship canal shall be completed, is the only one that can be of present utility, as appears by the communication of the engineer of the southern railroad, herewith exhibited. Under this state of facts, possessed of the right to both these lines of communication with the waters of lake Erie under their charter; the one in actual operation, and the full right secured to the other, whenever the completion of the ship canal, by the general government, or other circumstances, should induce them to construct their road to the head of ship navigation on the river Raisin, the company, with prospects peculiarly flattering, went into full operation. The advantages possessed by the compa-

ny under their charter, commanding as it did, the line of road through that fertile portion of our state, the counties of Monroe and Lenawee, and likewise the only outlets to the navigable waters of the lake for that region of country, within our state, the stock of the company, from its first creation, increased in value and was eagerly sought after by capitalists, and could by the company have been sold for a considerable advance upon its actual cost.

At this time the works of the company were suddenly arrested and their prospects of future profits, under their chartered rights, greatly impaired, if not absolutely destroyed, by the system of internal improvements projected by the state. The southern railroad, a part of that system, was required to be from the head of ship navigation on the river Raisin, (the same point already secured to said company by their charter) west to lake Michigan, along the same line of counties as that through which the company's road would pass. The board of commissioners in locating the state road, commenced at the same point on the river Raisin, as that where the road of the company commenced and had already been surveyed and located and continued, on precisely the same track to the city of Monroe, the distance of about a mile, then diverging slightly, but at no point exceeding four miles, and most of the distance much nearer, continued the state road along the entire distance of the road of the company to its termination at Blissfield, and once crossing the company's road as surveyed and laid out by them under their charter. The state road is now completed from the head of ship navigation on the river Raisin, and ready for use for about twenty miles, and in progress of completion beyond the western limit of the road of the company, occupying and commanding the business of the same district of country as that given to the company by their charter, thus practically defeating every benefit the charter purports to give. But as to the effect of the location and construction of the state road, there can be but one opinion as to its effect upon the company's rights under their charter, it not only interferes with these, but absolutely destroys all future prospect of benefit to the present company or their successors under their charter, in the further construction of their road, and that part already constructed and in operation is rendered comparatively valueless. The mere statement of the fact of two railroads running through the same district of country, must of itself show that either one or the other will be totally valueless; but when to this is added the consideration that the one extends beyond the other in the same general course, sustained by the power and patronage of the state, while the other is only sustained by the unaided energies of a private corporation, it cannot for a moment remain in doubt, that under such circumstan-

ces, the company must be destroyed, and so the fact appears to have been; on the location of the state road, the stock of the company began to decline, until, by a continued process of depreciation, embarrassment and virtual destruction has been the ultimate fate of the company.

Anticipating the occurrence of such an event, in the prosecution of the public works of the state, legal provision was, by an act of the legislature of 1837, made for obviating such difficulties, by authorizing the board of commissioners to compensate or purchase out companies whose chartered right should be thus interfered with by the public works. Under this salutary and just provision of the law, the commissioners have already so done in the case of the Detroit and St. Joseph railroad, and the Havre branch, (so called.) While, at the same time, the commissioners have, in the location and construction of the southern railroad, encroached upon, and virtually destroyed the chartered rights of the River Raisin and lake Erie railroad company, without, in any wise, compensating the company therefor; although, at the same time, the commissioners admit the injustice done to that company, and excuse it on the ground of the diminished means of the state to pay; a course of conduct, in the opinion of your committee, wholly unsanctioned by law, and one which the state, in justice to her own character, ought not to suffer to pass unredressed, and compel the company so seek relief in the courts, against acts of injustice which the state has indirectly brought about.

The duties of your committe might, perhaps, have strictly terminated with the mere expression of their opinion as to the legal rights of the company, and the correspondent duties of the state; but they have been induced to this review of the facts of the case, not only as showing the ground of their opinion, but also, in justice to the company whose rights, they cannot doubt, have been invaded by the agents of the state.

It may, perhaps, be asked, in what consisted the rights of the company, which have been encroached upon by the agents of the state? The answer is an obvious one; every thing which their charter gave them, and all the necessary means to the full enjoyment of the benefits it contemplated, by the solemn grant or charter of the state to this company, of the right to locate and construct a railroad. The state pledged its faith to do no act which would defeat the successful operation of the enterprise of the company. Does the state railroad in any manner diminish the value of the chartered rights of the company, either present or prospective? If it does, the rights of the company have been encroached upon.

However true the proposition may be, that the legislature of this, or any other state, may make, modify, amend or repeal any ordinary act of legislation, at pleasure, it cannot be con-

tended that a legislative grant or charter is subject to this rule, unless such power is expressly reserved by the legislature at the time of making the grant.

A charter, in the emphatic language of one of the most eminent constitutional jurists of our own country, (Chief Justice Marshall,) is a solemn contract between the state and the corporation. This same proposition stands repeatedly affirmed by the highest judicial authority known to our law—the supreme court of the United States; and especially by the leading case in that court, of Dartmouth College—a case which, in its trial, elicited as much legal research and judicial acumen as any one ever brought in record before the courts of this or any other nation. If the proposition, then, is a sound one, that a charter is a solemn contract, the faith of the state granting it, is pledged to maintain it inviolate; and the constitution of this, and of the United States, expressly prohibits any, its least infraction; for, by the express instructions of those high instruments, "the legislature shall pass no law impairing the obligation of a contract."

But it may be asked if the charter of the company, whose rights are under consideration, alone is a contract; in what consists its obligations? and how are these obligations violated? In the opinion of your committee, the obligations that this charter imposes upon the state are, that the state will neither do or suffer to be done, directly or indirectly, any act or acts, inconsistent with the full enjoyment of the rights and benefits which their charter confers on the company; and these obligations were violated when the commissioners of the state so located the state road as to occupy the ground previously given to the company by their charter for their road, and otherwise defeated the objects, diminished the value and otherwise impaired the benefits contemplated by the charter of the company, and their road already constructed under its sanction and authority.

But in the opinion of your committee, the proceedings of the commissioners in the location and construction of the southern railroad, without first, at least remunerating the company, are objectionable upon another ground equally fundamental. The constitution of this and the United States, prohibits the taking of private property for public use, without a fair compensation first provided. That the rights of this company, under their charter were property, and private property, so far as concerned every one, and as much as the farm or merchandize of any citizen, is a proposition in the opinion of your committee, perfectly incontrovertible; were it otherwise, charters would not only receive no rights, but would give none.

Upon legal principles then, the state is liable to the compa-

ny, and good faith requires that it should be fully met. But aside from all these considerations, if the state would render available the large amount of money expended on the southern railroad, and secure to the same an available termination on lake Erie, in the opinion of your committee, expediency would prompt the purchase of the company's road terminating at La Plaisance bay, and especially so, as in doing this, the state is discharging an obligation, which the violated rights of the company requires at their hands.

Therefore, your committee herewith, submit a joint resolution, instructing the auditor general to adjust, with said company, the matter upon the principles prescribed in the act providing for the settlement of the compensation where the roads of private companies are taken or injured by the state works.

All which is respectfully submitted.

H. T. BACKUS, *Chairman.*

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he hereby is, authorized and required to purchase of the River Raisin and lake Erie railroad company, all that portion of said company's surveyed route of railroad, taken by the commissioner of internal improvement in the location and construction of the southern railroad, and also the road constructed by said company, from the city of Monroe to La Plaisance bay, in which the rights of said company are materially injured and rendered of no value by the location of the said southern railroad, said purchase to be made by said auditor general, as near as may be upon the terms prescribed in the third section of an act entitled "An act to provide for the construction of certain works of internal improvement, and for other purposes," approved March 20, A. D. 1837, and on said company's making out a good title to the people of this state, according to the provisions of the aforesaid section and act, the auditor general shall draw his warrant on the treasury of the state for the amount, so found due to said company, upon the purchase so made as aforesaid.

Monroe, January 20, 1840.

To H. T. BACKUS, *Esq., Ch'n. Jud. Com., H. R., S. M.*

SIR—Having been requested by James Q. Adams, Esq., president of the River Raisin and lake Erie railroad company, to address you, and through you the committee over which you have been called upon to preside, in the representative branch of our state legislature, in relation to the pending application of said company for a purchase by the state, of a por-

tion of the works of said company, and the several subjects necessarily connected therewith.

I take the liberty to comply with the above request, which I offer as an apology for appearing before your committee, through the only convenient medium, a written communication.

The River Raisin and lake Erie railroad company was empowered by its act of incorporation, of March 26, 1836, to construct a railroad from La Plaisance bay, on lake Erie, through the villages of Monroe and Dundee, to terminate by an intersection with the Erie and Kalamazoo railroad, in Blissfield, Lenawee county, and also to construct certain branches thereof, and among others, one from some suitable point in the village of Monroe, to the contemplated head of ship navigation on the river Raisin.

The said company, after a proper organization, caused the said road and above branches thereof, to be surveyed, located, and recorded; and immediately commenced the construction of the work, and with commendable perseverance and dispatch, have completed that portion of the road leading from a central part of the village (now city,) of Monroe, to La Plaisance bay on lake Erie, a distance of four miles, or upwards, upon which passenger and freight cars have been since that period constantly running during the business seasons, to the manifest convenience of the public.

It was understood that the company made the necessary arrangements for the construction, with a view to the final completion of the remaining portion of said road, but by the adoption, at the legislative session of 1837, a system of internal improvement, the state undertook the construction of a railroad through the southern tier of counties, a portion of the way on the same ground occupied, and frequently crossing the identical route already adopted by said company, from the head of ship navigation at Monroe, to the village of Blissfield aforesaid, and especially occupying the precise track contemplated by the before mentioned branch from the centre of business in Monroe, to the head of ship navigation on the river Raisin, one mile below. Thus virtualy occupying the precise ground assigned by legislative enactment to said company, consequently materially affecting, if not wholly destroying, the rights and privileges of said company on the whole route, with the single exception of that portion of the work already completed, between Monroe and the lake.

It is obvious that the small portion of the route thus left to said company, while the state occupies the remaining portion, never would have justified the company in incurring a heavy expense in the construction of that portion of the road already completed, and that the proceeds arising from its use under

such unfavorable circumstances, can never afford an adequate return for the money expended in perfect good faith, and that too, before the state had adopted the present system of internal improvement, or advanced in the prosecution of their works.

It is known to your committee, that the state has progressed to a state of forwardness towards completion, in the construction of a railroad from Monroe to Hillsdale, about seventy miles on the route as before described, and you are doubtless aware of the great importance of seeking a direct and convenient communication with the waters of lake Erie, in order to render the state work of any avail, or useful and convenient for the purposes intended.

The undersigned has no doubt that the legislature, by the terms of the act of 1837, providing for a system of internal improvement, anticipated and intended, that a convenient connection should be had with the navigable waters of lake Erie, by terminating the southern railroad at the head of ship navigation on the river Raisin, with the hope and expectation that the government of the United States would, ere this, have completed the construction of a ship canal, already by them commenced, connecting the navigable waters of the Raisin with those of the lake. Although congress, since the commencement of our state work, has made liberal appropriations for the construction of said canal, and the city of Monroe have made a loan of twenty-five thousand dollars, (which I am informed is mostly expended,) for the improvement of the river, yet the work remains unfinished, and will require, to make it accessible as the friends of the project anticipated, a further appropriation from government, and the expenditure of a large sum of money to complete the work. It is well known to the citizens of Monroe, that I have ever entertained the opinion that their interest, and also the great interest of the state, would be best promoted by the construction of the southern railroad to the mouth of the United States' ship canal, or the connection with some other railroad, terminating at some navigable point on lake Erie.

This, in any case, however, is a matter of inquiry, whether it becomes the state of Michigan any longer to rely on the feasibility and construction of said canal by the general government, for the construction of one of its most important public works with the navigable waters of lake Erie.

The River Raisin and lake Erie railroad, as far as completed, (except it has not been ironed,) has been constructed in a substantial manner, of the same width of the southern road, and it is believed that a comparatively small expenditure will render it, in every respect, suitable for the use of the state as a convenient connecting link with the navigation of the lake.

The said road connects with navigation at La Plaisance bay

where it is afforded a commodious harbor to float and shelter the largest craft navigating the lake. There to has been constructed, by the fostering aid of the general government, an extensive break-water, which has tended materially to widen and deepen the channel; also a light house to enable vessels to enter the harbor in the night.

Individual enterprise has done much towards making this point accessible. They have constructed, in connection with the railroad, an extensive bridgeway, wharf, a large and commodious warehouse, and other accommodations necessary for the use of the road at its termination at La Plaisance bay. Thus affording every facility for immediate business; a matter of no small importance to the state, in order to render their own works what they were intended, by the act authorizing their construction. I am unable to see any other reasonable way that the southern railroad can command business for some time to come except by the above connection.

I do not anticipate that my suggestions are to form a guiding land-mark in the deliberations of your committee; my aim has been to communicate my private views, (which I believe are the views of a respectable portion of the citizens of Monroe,) for reasons as stated in the fore part of this communication.

If the views herein expressed, shall be of any service to a company, which, in my opinion, has strong claims for evenhanded justice at the hands of this legislature; and your honorable committee, deem my excuse sufficient to exempt me from any answer on your part, then the object for which this communication was intended, will have been accomplished.

I have the honor to be,

Very respectfully your obedient servant,

JOSEPH S. DUTTON.

Chief Engineer, S. R. R., S. M.

[No. 25.]

Report of the committee on the judiciary who were instructed, by a resolution of the house, to inquire into the constitutionality of section three, four, five and six, of chapter two, title one, part first of the Revised Statutes, relating to applications to the legislature by petition or memorial.

To the Speaker:

The committee on the judiciary, who were instructed to inquire into the constitutionality of sections three, four, five and

six, of chapter two, title one, part one of the revised statutes, relating to applications to the legislature by petition or memorial, respectfully report: That they have had the subject under consideration and that by a reference to the twentieth section of the first article of the constitution of this state, it will be seen that several very important rights are therein guaranteed to the people; among which is the inestimable right of petitioning the legislature for the redress of grievances; and by the next succeeding section of the same article it is declared that "all acts of the legislature, contrary to that or any other article of the constitution shall be void." Your committee are of opinion that both the letter and spirit of the sections of the constitution above cited, guaranty to the people, not only the right of presenting at all times to the legislature petitions for the redress of grievances, but also of having such petitions received, duly considered and acted upon by the legislature—and that any act of the legislature, tending to abridge this right in the slightest degree would be unconstitutional and void. Your committee would further represent that the third, fourth and fifth sections of the chapter to which their attention was directed by said resolution, provided that notice of such petition or memorial to be presented to the legislature, shall be given in the manner therein prescribed, to the various individuals and private or public corporations that may be interested in the subject of such petition or memorial, at least thirty days before the commencement of the session of the legislature to which such petition or memorial is to be presented; and that consequently by the provisions of those sections whenever any grievance may arise during the session of the legislature, or within thirty days immediately previous thereto, the persons aggrieved would be wholly estopped from exercising the right of petition guaranteed to them by the express letter of the constitution, during the whole of that period, even though the session might continue during the whole year.

Your committee would further represent that the sixth section of the aforesaid chapter, declares that no petition shall be received or acted upon by the legislature, when the same has been in circulation more than six months before the presentation thereof to the legislature, or when the names of the subscribers thereto shall be written on a separate sheet or piece of paper from the petition or memorial—a provision, which, although it may not tend as directly to defeat the important right of petitioning as those contained in the before mentioned sections, nevertheless, in the opinion of your committee, restricts and abridges that right by confining the exercise of it to a limited and circumscribed period of time. For, in the opinion of your committee, if the legislature could have the constitutional power to limit the time, during which petitions and

memorials to be presented to the legislature should be allowed to be circulated to a period of six months, they might, by a parity of reasoning, still limit that period to a single day, and thereby substantially defeat one of the most inestimable rights guaranteed by our constitution to the people of Michigan.

Your committee are, therefore, of opinion that the said third, fourth, fifth and sixth sections of the chapter to which their inquiry was directed by the aforesaid resolution, are unconstitutional and void. Your committee have accordingly deemed it advisable to report to the house a joint resolution expressive of the result of their inquiry.

D. C. WALKER,
In behalf of the Judiciary Committee.

Resolved by the Senate and House of Representatives of the State of Michigan, That sections three, four, five and six, of chapter two, title one, part first of the revised statutes, relating to applications to the legislature by petition or memorial, are unconstitutional and void.

[No. 26.]

Report of the Hon. Rix Robinson, Commissioner of Internal Improvement, relative to individual awards.

OFFICE OF INTERNAL IMPROVEMENT,
Detroit, February 3, 1840.

To the Hon. HENRY ACKER,
Speaker of the House of Representatives:

SIR—The undersigned, in behalf of the commissioners of internal improvement, in accordance with a resolution of your honorable body, adopted on the 1st instant, respectfully reports:

That the commissioners of appraisals have made the following awards to individuals, on the several works of internal improvements, viz: on the

Central Railroad.

1839.		
May 16,	To Justin Baker, damages for right of way and making fence,	$18 00
	" William Warner, for lands	
	Carried forward,	$

		Brought forward,	$		$
		conveyed to the state,		70 00	
		damage done orchard,		30 00	
		" " building site,		200 00	
		building 200 rods of fence, to be done within six months of the completion of said road,		80 00	
		contingent damages, not above enumerated,		20 00	
					*400 00
1840.					
Jan.	8.	To John Gilbert, for damages by excavation out side the line of 100 feet in width, and by overflowing,		50 00	
		damages done by slashing timber,		100 00	
		3,413 feet of timber, 3 cts. per foot, proved by the affidavits of superintendents,		102 39	
					†252 39
	13,	" H. Arnold, for excavation of 100 feet,		25 00	
		damages done by leaving a strip or gore of land,		25 00	
		making and keeping in repair the fence,		80 00	
					*130 00
		add for the right of way if it should prove not to have been released,			*100 00
	14,	" James Forsyth, for damages to his garden in the village of Ypsilanti, by water and sand drift,			†25 00
	10,	" C. K. Green, for damages by location of said road across lots No. 19 and 20, in the village of Dearbornville, lot 19, $10; lot 20, $15,			25 00
	4,	" Joshua Howard, for damages by location of said road across lots in village of Dearbornville, No. 22,			
		Carried forward,	$		$

*Appealed, †Paid.

		Brought forward,	$		$
		25, 27, 30, 37, east of the public square, at fifteen dollars each,	75 00		
		damages to lot 17 and 18, as above, $25 each,	50 00		
					125 00
	10,	To Olney Hawkins, for right of way, 100 feet in width,	75 00		
		making and keeping fences in repair on both sides of the line of 100 feet,	100 00		
		rendering the land of less value between the railroad and the river, east of the saw-mill	50 00		
		damages done the garden and house, by locating the road so near, and rendering the marsh less valuable west of the saw-mill,	75 00		
					300 00
Dec.	13,	" Elizabeth James, for damage to south half of lot No. 18, in the village of Dearborn-ville,			10 00
	30,	" De Garmo Jones, for damages done to a strip of land about 400 feet in length by forty feet in width, on the Chicago road and within the corporation of the city of Detroit, about equal to four city lots,			1,000 00
	11,	" Phillip Sines, for damages done by overflowing his land, in full consideration for such damages,			75 00
	11,	" James Scholefield, for damages done by cutting through his land, removing the fence, &c., &c.,	25 00		
		land taken for use of said road,	50 00		
		Carried forward,	$		$

	Brought forward,		$	$
	expense of removing his house, fences, &c.,	25 00		
				100 00
1840.				
Jan. 13,	To Orrin White, agent of A. Lincoln, for right of way, (if not already released,) 100 feet in width, through his premises, and for fencing the same and keeping it in repair,	200 00		
13,	" Orrin White, agent for A. Lincoln, for a bill of timber, certified to by F. Hubbard, 5,548 feet, at 2 cents per foot, running measure,	$110 96		
				310 96
11,	" Dwight Kellogg, for a claim for damages to premises on which he resides, in the village of Ann Arbor, and for which he claims the sum of $3,000,		No damages.	
10,	" John Ready, for a claim for damages to lot No. 31, in the village of Dearborn-ville,		do	
4,	" Timothy Showerman, for a claim for damages for injury to his furnace situated on the east side of the Huron river in the village of Ypsilanti,		do	
	Southern Railroad.			
1840.				
Jan. 8,	" Samuel Bayliss, for right of way, 170 rods in length by 100 feet wide, the most part of it being improved,	175 00		
	fencing 340 rods,	136 00		
	damages by deep cutting, and depositing an embankment of earth outside of 100 feet in width,	100 00		
	" Samuel Bayliss, for damage			
	Carried forward,		$	$

	Brought forward,	$	$	
	done his crops,	25 00		
	making two crossings on said road,	30 00		
				466 00
Jan. 10,	To Benjamin Brown, for the right of way, 100 feet wide,	100 00		
	making the fence on both sides, and keeping the same in repair,	72 00		
	damage done by the deep cut, and the earth thrown out on both sides,	100 00		
	removing the fence and making the necessary crossings over the track,	50 00		
				322 00
8,	" Jesse Cram, for 56 rods of fence,	22 40		
	wheat destroyed,	15 00		
	damage done by leaving the gore or strip on the south side of the cutting,	40 00		
	making the necessary crossings,	25 00		
				102 40
	Benjamin Clark, for making 160 rods of fence,	64 00		
	rendering the land on the north side of the road less valuable, by leaving a strip or gore,	36 00		
				100 00
	right of way, if not released, to be added,	50 00		
10,	" E. L. Clark, for the right of way in a strip of one hundred feet in width, being about 3½ acres,	70 00		
	170 rods of fence, and keeping it in repair,	68 00		
	damage done by leaving the land in its present shape,	40 00		
	making the necessary crossings,	22 00		
				200 00
	Carried forward,		$	

	Brought forward,		$	
Jan. 8,	To A. J. Comstock, for land taken for use of said road, for fencing the same, and for damage done by leaving the land in its present shape,	280 00		
	A fraction of land joining the town line of the village of Adrian, being the right of way,	200 00		
	the right of way, 100 feet in width, through a section of land near the village of Adrian, and for making the fences not above enumerated,	320 00		
				*800 00
10,	" Sylvanus Culver, for the right of way, 100 feet wide, fence on both sides, and keeping the same in repair, and making the necessary crossings,	192 00		
	excavation outside the line of 100 feet,	8 00		
				400 00
11,	" Oliver L. Church, for right of way through the land, most of it being marsh,	15 00		
	damage done the land left, on the south side of said road,	15 00		
	making fence and keeping in repair,	30 00		
				60 00
8,	" Evan Dorr, for damage done his orchard,	120 00		
	140 rods of fence,	70 00		
	damage, by earth thrown over the embankment,	60 00		
	damage done his house, and leaving the land in its present shape on each side of said road,	150 00		
				400 00
11,	" Gilbert Gage, for the right			
	Carried forward,		$	

* Appealed.

	Brought forward,	$		$
	of way, 100 feet wide,	140 00		
	making fence, and the necessary crossing places, and keeping the same in repair,	136 00		
	other damages not herein enumerated,	24 00		
				300 00
Jan. 10,	To Walter Gage, for the right of way, 100 feet wide,	50 00		
	making fence on both sides, and making crossings,	128 00		
	leaving the land in its present shape,	22 00		
				200 00
8,	" Barsilla J. Harvey, for right of way, 160 rods, 100 feet wide,	140 00		
	320 rods of fence,	128 00		
	damage done by throwing the earth over the line of 100 feet wide,	30 00		
	rendering the strip on the south side of road less valuable,	50 00		
	damage done the spring,	27 00		
8,	" Henry Todd, for right of way, assuming it has not been released to the state, but if so, this item to be deducted,	100 00		
	fencing 170 rods,	68 00		
	damages by embanking and deep cutting,	50 00		
				218 00
11,	" Jacob Jackson, for land taken for right of way,	320 00		
	cutting off the spring of water,	280 00		
	excavation out side the line, leaving the gore next the traveled road, and making and keeping fence in repair,	150 00		
				750 00
11,	" Walter B. Thompson, for,			
	Carried forward,			$

	Brought forward,		$	$
	right of way,	70 00		
	making and keeping in repair the fence on both sides,	70 00		
				140 00

Clinton and Kalamazoo Canal.

1840.				
Jan. 4,	To Lansing B. Mizner, for making 271 rods of fence on each side of the canal, amounting in all to 542 rods, at 40 cents per rod,	216 80		
	constructing the necessary bridges or crossings, thro' the land so far as the canal runs,	100 00		
				*316 80
11,	" Robert L. Sheldon, for the right of way, 100 feet wide, estimated at 18 acres,	270 00		
	500 rods of fence,	200 00		
	constructing two suitable bridges for use of his farm,	300 00		
	making a culvert on the low lands,	75 00		
	excavation outside the line, and injury done his dam,	50 00		
	stoppage of saw mill, 130 days, at $2 per day,	260 00		
	removing his fence,	10 00		
	damage done his mill race,	25 00		
				*1,190 00

The above statement contains all the information which can be obtained from the papers filed in this office, (copies of which, if required, can be furnished at an early day,) and as the commissioners to settle claims for damages are a separate body, appointed under the 24th section of the act for the regulation of internal improvements, &c., approved April 20, 1839, and they not being required by said law to report to the board of internal improvement, I would respectfully refer your honorable body to said commissioners, for a more detailed statement of their doings, if such should be required.

All of which is respectfully submitted,

RIX ROBINSON, *President.*

*Paid.

[No. 27.]

OFFICE OF STATE GEOLOGIST,
Detroit, February 3, 1840.

To the Hon. SPEAKER *of the House of Representatives:*

SIR—I have the honor herewith to transmit to the hon. house of representatives, the third annual report and accompanying documents from this department.

I have the honor to be,
Sir, your obedient servant,
DOUGLASS HOUGHTON,
State Geologist.

To the Hon. the Senate and House of Representatives of Michigan:

I have the honor again to lay before you the progress which has been made in the geological survey of our state, together with the general condition of the department that has been placed under my charge.

I do not propose to enter into a minute detail of all that has been accomplished, for to lay before you *at this time* these undigested and unfinished details would seem to be in a measure unnecessary, from the fact that I am called upon at the close of the work to embody in a connected and uniform report, the complete results of all that may be accomplished.

Since the date of the last report which I had the honor to transmit to you, the geological and topographical portions of the work entrusted to my charge have progressed as rapidly and steadily towards completion, as the circumstances connected with the immense labor to be performed, would permit. These labors have extended over a large portion of the organized counties of the state, and of many of these the complete field notes for the surveys have been returned. The minute examinations of these counties has chiefly been assigned to the geological assistants, Messrs. Douglass and Hubbard, and their reports embracing a programme of their labors, for the season, are hereto appended. As these reports refer to many of those practical subjects which would be considered, were I to report upon my own labors in these counties, I have deemed it unnecessary at this time to refer particularly to the geology of this section of the state.

NORTHERN OR UPPPER PENINSULA.

General description and Topographical features.

In addition to the duties performed in the southern peninsula of our state, a portion of the season has been devoted to an

examination of the southern slope of that part of the upper or northern peninsula, extending from the Sault de Ste Marie, to the mouth of Monominee river of Green Bay; a district of country, which with very few exceptions, is a perfect wilderness, but which, nevertheless, is deserving of all the labor which has been bestowed upon its examination.

A general description of that portion of the northern peninsula, lying between the foot of lake Superior and the mouth of Monominee river of Green Bay, since the country is but little understood, may not be misplaced, though it had been my intention to avoid *at this time*, all details, except such as might be directly connected with the progress of the work under consideration.

The district of country alluded to, is, perhaps, more variable in its topographical features, in the composition of its soils, and the character of its timber, than any portion of equal extent of the southern peninsula, and cold and inhospitable as the climate has been wont to be considered by our citizens, there are many of the elements of competence and wealth contained in it.

The very extremity of the peninsula, embracing most of that country lying east of a line drawn from the Sault de Ste Marie, to the island of Mackinac, compared with the more westerly part of the upper peninsula, is either flat or slightly undulating, and it embraces marshy districts of large extent. Most of the coast is skirted by islands, giving great beauty to the scenery. The immense number of these islands, skirting the easterly portion of the coast, is beyond conception, for they form, as it were, an almost inextricable labyrinth, giving rise to narrow and intricate channels, and again widening into what may, with propriety, be called small lakes. This feature of the coast has served to render the published maps of this district more imperfect than those of any other portion of our state, for which reason, an unusual degree of labor has been devoted to a corrrection of these geographical inaccuracies.*

But in no portion of the country is this insular character so largely developed as in that arm of lake Huron, which forms, as it were, the embouchure of Ste Marie river. Here are literally hundreds of islands, varying in size from those composed of a mere point of rock, to those of many thousands of acres in superficial extent.

The soil and adaptation of these islands to the purposes of agriculture, is as variable as their size. Yet, while portions of them are adapted to use for agriculture, by far the larger proportion will scarcely admit of this application.

*In my labors to produce correct maps of this difficult section of country, invaluable assistance was rendered by Jas. L. Schoolcraft, Esq., whose intimate knowledge of the country, and minute observations, recorded through a series of years, have enabled me to reach a much greater degree of perfection than otherwise could have been done.

In the vicinity of Pte Detour of lake Huron, the country is flat, with ridges only slightly elevated, and with intervening marshes; but as we proceed westerly, it gradually becomes more elevated, until (a little east from the island of Mackinac,) it rises in abrupt hills to a height varying from one hundred and fifty, to three hundred feet, and these hills in the vicinity of the straits, approach near to the coast.

The range of hills, of which these outliers may be considered the commencement, continue in a somewhat broken chain, usually at no very great distance from the coast, as far west as Little bay du Noquet; from whence they bear north-westerly, stretching towards lake Superior. These hills usually form great undulations, with their sides sloping away gradually, but occasionally naked cliffs of limestone appear. Usually the cliffs are of no great altitude, and at no place did I observe them so largely exposed as upon the coast of Great and Little bay du Noquet, upon the easterly side of the former of which, they attain an altitude of from one hundred to one hundred and fifty feet.

The bays, just alluded to, forming as they do, deep indentations from the head of Green Bay, give a peculiar feature to this part of the coast. They furnish a complete shelter for shipping, and being surrounded by a country which is mostly well adapted to agriculture, their importance of position cannot fail, eventually, to be appreciated.

The soil of the southern slope of the upper peninsula, passes almost imperceptibly, through all the shades of variety, from a whitish silicious sand and sandy loam, (not unfrequently mixed with gravelly limestone,) to that composed wholly of pebbles of limestone. Clay soil is exceedingly rare, and when it does occur, contains a very large proportion of lime in its composition.

The timber of this district has all the variety which would be looked for on soils of so changeable a character. It varies from the scrubby pines which characterize the pine barrens, to beautifully timbered tracts of sugar maple; the latter timber having almost invariably interspersed with it white cedar and spruce, these latter, together with birch, in fact, forming the larger proportion. White pine occasionally occurs, though more frequently in the westerly than in the easterly portion of the country alluded to. As a whole, the western portion is much more favorable to agriculture than the eastern.

The upper portion of the peninsula being of no great width, furnishes but few streams of any considerable size. Among these, the Monominee, Monistique and Menecockien rivers are more particularly deserving of notice. The two former, from their greater size, together with the peculiar advantages which exist at their points of embouchure, will only be considered.

The Monistique river, which enters lake Michigan near its north-westerly angle, at a distance of about thirty-five miles north-easterly from Pte Detour of Green bay, has its place of embouchure in a small bay, that serves to afford a partial protection from the heavy surf of the lake. The stream, at its immediate mouth, has a width of a hundred and twenty feet; but this width is subject to considerable variation in consequence of the sands which are subject to drifting, from the effect of the currents of the lake and river. Ascending the stream but a few rods, it suddenly expands into a beautiful sheet of water, giving rise to a small lake, that has a length somewhat exceeding half a mile, and a width varying from one-fourth to one-third of a mile. This small lake, which furnishes a safe and convenient harbor for vessels, is surrounded by moderately elevated and undulating sandy plains, sustaining a sparse growth of small yellow pines. The channel of the stream will admit the entrance of vessels drawing from seven to seven and a half feet of water. Monistique river enters this small lake at its northerly end, and has here a "rapid" over limestone *in place*, which will furnish a fine hydraulic power, so situated that it may be nearly approached by vessels, and which cannot fail eventually to be of vast importance in advancing the settlement of the surrounding country.

The Monistique river has its source in the highlands north-easterly from its mouth, and its sources interlock with the head waters of the Tonquoimenon river of lake Superior. In its course to lake Michigan, it frequently expands into small and beautiful lakes. It passes through a country, a large portion of which is well adapted to the purposes of agriculture, and which, at those points where the soil has been cultivated by the Indians, produces abundant crops of corn, potatoes, &c.

Monominee river of Green bay, one portion of the defined boundary between our own state and Wisconsin, is a much larger stream than that just alluded to. Its embouchure into Green bay is by a broad mouth, that may, in fact, be regarded as a narrow lake, which has a width varying from forty to one hundred rods, and a length somewhat exceeding one and a half miles. The shores, at the immediate mouth of the stream, are flat and marshy, with narrow ridges of sand, but at a distance somewhat more than half a mile above, they begin gradually to rise, until they finally attain an elevation of from ten to twelve feet above the water of the river.

At a distance of somewhat more than one and a half miles from its mouth, the stream, which is here much diminished in width, forms a "rapid" over a ledge of limerock, having a fall of ten to twelve feet in a distance which may be estimated at half a mile, thus giving rise to an amount of hydraulic power, which, at this point, cannot fail to be of great value.

Above these rapids, the river, for a distance of twenty-five miles, has a width varying from two hundred and fifty to four hundred feet. The bottom is chiefly composed of gravel, but there are occasional rapids over limerock *in place*.

The soil in the vicinity of the mouth of the stream, is chiefly composed of a dark colored sand, or sandy loam, largely impregnated with lime, and it produces good crops of wheat, barley, rye, oats, potatoes and corn. The extensive Indian fields, now mostly uncultivated, show this to have been the residence of a numerous band of Indians, and that they must have depended largely on the products of the soil for subsistence. The miserable remnants that remain of these original proprietors of the soil, have almost completely abandoned its cultivation, having placed their dependence for subsistence, through most of the season, upon the fish which are taken abundantly in the stream.

Upon the Wisconsin side of the Monominee river, two saw mills have been erected, one of which has been in operation for several years, and two or three families of whites are resident there. Extensive fields have been put under cultivation and have not failed to yield an abundant return of crops.

The bar at the mouth of the Monominee river may be passed at ordinary stages of water, by vessels drawing from seven to eight feet, and after this bar be passed, the largest class of vessels may ascend nearly to the rapids before mentioned.

The many advantages existing at the mouth of this stream, taken in connection with the pine timber that occasionally skirts its upper portions, cannot fail eventually to render its mouth a place of much importance.

Most of the smaller streams occurring between Monominee river and Mackinac, have brisk currents and furnish abundance of hydraulic power, but with one exception this is, as yet, unapplied. A saw mill has been erected on the Esconnauby river of Little bay du Noquet, and here are the only signs of civilization between the points mentioned, being an extent of more than two hundred and fifty miles of coast.

In laying before you this hasty outline of a portion of the upper peninsula of our state, I cannot refrain alluding to the immense wealth that may be made to flow from the fisheries by which it is surrounded.

The inducement offered by this branch of industry for a handsome return of profit must, I feel assured, eventuate in the direction of a large amount of capital to this business, and will no doubt exert a powerful influence upon the settlement of the more favored portion of the coast. It is well known that while the waters of the whole line of coast alluded to, furnish white fish and trout more or less abundantly, there are, nevertheless,

many points which, from their peculiarly favorable location, yield a more abundant return.

A portion of that coast, lying between point Seul Choix of lake Michigan, and Little bay du Noquet of Green bay, offers many exceedingly advantageous situations for conducting this branch of enterprise, and "these ground" appear to have been wholly neglected, or at least none of the usual evidences of its having been appropriated to this purpose, exist.

In connection with this important branch of industry, which has for the last few years been so steadily, yet imperceptibly increasing, extending as it does around the areas of both of our peninsulas, it may not be misplaced to call your attention to the immense importance which it must eventually hold in our state. As yet, all knowledge of its returns depends upon vague rumors, for no accurate data of its value or extent have as yet been made. The census to be taken during the current year offers a favorable opportunity, if the proper measures be taken to obtain all the statistics which may be required on this subject, and these statistics, if obtained, may be the means of enabling the state hereafter to extend to this branch of industry the fostering care which its importance deserves.

GENERAL GEOLOGY OF THE SOUTH AND SOUTH-EASTERLY PART OF THE UPPER PENINSULA.

The rocks of the district of country under consideration are but little varied; the separate portions, occupying, for the most part, an extensive range, and in chemical and mechanical composition, bearing a close analogy to each other. They chiefly consist of a series of well defined limestones and shales, that occupy the complete range from Drummond's island, of lake Huron, to Monominee river of Green bay.

These limestones and shales are less perfectly developed in their easterly prolongation; or in other words, the separate portions of the formations thin out as they approach the primary region of the Ste Marie river. As we proceed towards the northern declivity of the upper peninsula, the red sandstone of lake Superior, makes its appearance, underlaying the groups of limestones and shales before mentioned.

These sandstones together with the series of overlaying limestones and shales, are bounded on the east by a range of hills composed of primary rocks, chiefly of quartz, hornblende and greenstone. The boundary between the primary and sedimentary rocks, is very nearly defined by the course of the Ste Marie river, which stream, through nearly its whole course passes very near to, or directly along the line of junction of these rocks. Thus it will readily be perceived, while the limestones, shales and sandstone fall mostly within the United

States, the primary rocks are chiefly embraced within the British possessions.

PRIMARY ROCKS.

It has already been stated that the development of the series of primary rocks, falls chiefly easterly and north-westerly without the region of country under consideration; for which reason such allusion only will be made to them as will aid in more clearly understanding these rocks embraced within our own territory.

Commencing with the main land at the first, or lower point of contraction in the Montreal channel of the Ste Marie river, (which contraction is formed by the near approach of the island of St. Joseph, to the main land, and is the lowest point at which any observations were made,) these primary rocks stretch in a westerly direction across the nothern part of the island just mentioned; when, curving northerly, they appear on the south-easterly end of Sugar island, from which point they pass to the main land, north, and skirt the easterly side of Great lake George, forming here a somewhat elevated range of hills. This range of hills, after reaching the head of lake George, pursues a westerly course, departing from the river, until it reaches Gros Cap of lake Superior.

The immense primary region of which the line described may be considered, as it were, a single point, stretches nearly continuously many hundred miles north-westerly, skirting a portion of the shores of lake Superior, and in conjunction with the trap rocks constituting the highlands between that lake and lake of the Woods. From these highlands it stretches a little east of lake Winnipeg, far to the northwest, finally constituting the immense "barren grounds" of the British possessions. It is also well known that this range of primary rocks stretches in an easterly direction through the interior of the upper province of Canada.

The primary region of the Ste Marie river and its vicinity is characterized by the occurrence of rounded knobs and hills, usually of no very great height, though sometimes attaining an altitude of several hundred feet, frequently including basins which usually contain more or less water, thus giving rise to a multitude of marshes, ponds, and more rarely to small lakes. Portions of the rocky surface are absolutely destitute of soil, the otherwise bare rock being usually more or less covered with a variety of lichenes, among which the reindeer moss, (Cenomyce rangeferina,) most largely abounds. The soil occurring in the lower portions of the basins intervening between the knobs of rock, is sometimes composed of vegetable matter mixed with siliceous sand and gravel, washed from the higher levels; while that upon the hills is more usually made up of a

coarse, siliceous sand, arising from the disintegration of the rocks, and is of a very unproductive character. These soils are covered more or less densely with a forest, in which evergreen timber largely predominates.

This primary district, as a whole, is of a most forbidding character, and in it the agriculturist would find little of interest; for the constant succession of bare rocks and barren soils, form a striking contrast with the country of transition rocks lying south from it.

At that point in the Montreal channel before alluded to, the first perceptible current was noticed, and this may, therefore, in reality, be considered as the termination of this arm of lake Huron, as well as the commencement of Ste Marie river. The stream is here divided by a great number of islands, and these islands continue to form an almost inextricable labyrinth for a distance of many miles.

On the main land at these "narrows," and extending for several miles, the knobs are composed of compact greenstone, occasionally partaking of a sub-slaty character, and under which circumstances, the rock bears a close analogy to some of the varities of primary argillite.

Minerals are of rare occurrence in this greenstone. Occasional minute chrystals of quartz, feldspar, imperfect asbestus, with some indistinct traces of carbonate of copper, were only observed.

In ascending the river, this greenstone was observed to pass, by almost insensible degrees, into a well defined hornblende rock, which was noticed to form low hills upon the main land, as well as several of the islands in the stream.

On the northern part of the island of St. Joseph, a fraction of the south-eastern part of Sugar island, and a portion of the main land on the east, the place of the hornblende rock is supplied by granular quartz rock, usually white, but sometimes passing to a reddish or deep red color. In character, it varies from a sub-chrystalline rock, translucent at the edges and breaking with a conchoidal fracture, to a granular or almost conglomerate quartz rock. Small quantities of hematitic iron ore, and rarely micaceous oxide of iron, were the only simple minerals noticed associated with this rock.

In the range of hills bounding the easterly side of Great lake George, talcose slate was observed, but to what extent it exists, I am unable to say.

The only district occupied by this primary range, within the line of boundary between our own territory and that of Great Britain, is that before mentioned, upon the south-easterly part of Sugar island. The rock is, here, a light colored, granular quartz, and it occurs, forming a few low knobs, that occupy but a very small extent of surface, and that at the very ex-

tremity of the island. For the most part, it is hidden from view by detrital matter mingled with large angular blocks of quartz rock, and nearly the whole tract is clothed with a dense growth of timber.

SEDIMENTARY ROCKS.

The district of country stretching westerly and southerly from the primary tract alluded to, is characterized by the occurrence of the red sandstone of lake Superior, on the north, and the series of overlaying limestone and shales, heretofore mentioned, on the south. The contrast, in general contour, between this and the primary region, is, in all respects, characteristic of the different formations. Thus, while the predominant feature of the primary region is that of a rugged, knobby, and for the most part, barren country, the district south and south-westerly from it, rises in gradual swells or undulations, covered with a heavy growth of forest trees, and possessing many tracts of soil which are inviting to the agriculturist.

Lake Superior Sandstone.

Although but a small angle of that country, which is referable to the red sandstone formation has been examined during the past season, yet in order to a better understanding of its range and extent, it may not be misplaced to refer to the fact that a large portion of the northern slope of the upper peninsula, is referable to this rock formation. Its continuity upon the southerly shore of lake Superior, being only broken by the occurrence of a comparatively limited range of primary and trap rocks.

This lake Superior sandstone, in its easterly prolongation, rests against and upon the primary range of the Ste Marie river, before described, while on the south, it is seen to pass beneath the limestone at the Nebeesh rapids of the boat and canoe channels of that river. The rapids or falls of Ste Marie river are formed by the passage of the waters over the outcropping edge of the sand rock, which inclines or dips from this point southerly; thus passing *conformably* below the limestone before alluded to.

No cliffs of sandrock occur in the immediate vicinity of the Ste Marie river, nor was it noticed, at any point, to rise many feet above the surface of the water. In fact, no opportunity offered for a satisfactory examination of the rock except in the vicinity of the Sault, at which point, a "race" for conducting the waters to a saw mill, has been excavated, in part, through it. The, rock, here, varies from a light gray to a brick red color, not unfrequently being gray, with red or reddish spots, and in structure it varies from a compact sandstone, occurring in layers of several inches thickness, to that of a shelly or sub-slaty character. Through this sandrock a large por-

tion of the contemplated canal around the falls must be excavated, and occurring, as the rock does, in strata of no great thickness, but little difficulty will be encountered in the excavation, and the work, when once completed, will be of a permanent character.

This sandrock, as a material for the structure of works exposed to the action of the elements, is of an inferior quality, and will without doubt, undergo more or less rapid disintegration, when exposed to the conjoined action of moisture and frost. As a material for the construction of ordinary walls, it will answer a good purpose.

I allude to this subject the more particularly, at this time, for the reason that a great amount of rock, of a suitable shape for the construction of the walls of the locks required for the Ste Marie canal, will be thrown out during the process of excavation, and which may appear to be an inducement for its use in that work. In a climate like that of the Sault de Ste Marie, this error should be carefully avoided; for if the sandrock be used for that purpose, but few years will elapse before the locks will require reconstruction. An example, illustrative of the effect of moisture and frost upon a rock of similar composition, is exhibited on the Erie canal, of New York, in the old aqueduct over Genesee river, and in several of the locks upon that great work. During the few years which have elapsed since the construction of these structures, the disintegrating action of the causes alluded to, has been rapidly at work, and some of those expensive structures are in so precarious a condition as already to require reconstruction.

In the immediate vicinity of the surveyed line of the Ste Marie canal, transported masses of granite, horneblende, sienite and quartz rocks abound, and they may be economically employed for the construction of the proposed locks and will make an enduring structure.

The lake Superior sandstone, in its easterly prolongation, does not attain a very great thickness; but in proceeding westerly this thickness is vastly increased, attaining on the south shore of lake Superior to several hundred feet.

So far as my examinations, during the past year have extended, the rock is destitute of fossils, and in fact after a careful examination, (several years ago,) along its whole line of outcrop, on the southerly shore of lake Superior, I have never been able to detect in the rock a single contained fossil.

Limerock and Shales.

Passing from the sandstone of lake Superior to, or near to the southerly slope of the upper peninsula, we come upon a series of limestones and shales, resting upon and concealing the former rock. These limestones and shales along the whole

line of coast, from Drummond's island of lake Huron to Monominee river of Green bay, have a slight inclination to the south, or more nearly to the south south-east. Thus while these rocks dip, in such a manner as to form the basins of lakes Huron and Michigan, their upraised edges form, as it were, the barrier that sustains the waters of lake Superior at their present level.

The Nebeesh rapids of the Ste Marie river, at least in the two westerly channels, is in part over the very lower portion of these limestones, and by far the larger portion of the small streams along the coast, intervening between Pte Detour of lake Huron, and Monominee river of Green bay, have a more or less rapid descent over some portion of the limestone series, usually at points not very far from their place of embouchure.

The limestones and shales will, in the following descriptions, be separated into two groups, reference being had to their constant embraced fossils and chemical character. The immediate line of junction between these groups is usually not particularly distinct, but in the main they are readily distinguished by the most hasty glance.

Lower Limerock and Shales.

Without, at this time, attaching to that portion of the limerock series that immediately overlies and rests upon the red sandstone of lake Superior, any characteristic name, the rocks as a whole, will be considered simply with reference to the *position* they occupy in relation to the overlaying and more southerly limerocks; nor will the several beds into which the group may be divided be considered separately.

The lower limerocks and shales in the district of country under consideration, occupy a comparatively small portion of the district, and do not appear upon the coast except at very few and distant points. The complete group may be described as a series of compact and shaly limestones, with interstratified, argillaceous, blue colored shales; the shales, more particularly in the western prolongation, forming a large portion of the whole mass. The group is more or less fossiliferous through its whole range, being characterized by the presence of several species of the genera, Orthis, Atrypa, Delthyris, and Strophomena, and more rarely by Calymene, Asaphus and Encrinus. In the western prolongation of these lower limestones and shales, as has before been mentioned with respect to the lake Superior sandstone, the thickness becomes very much increased; while in their near approach to the primary of the Ste Marie river, on the east they thin out and nearly disappear.

The lower portion of a range of hills stretching along parallel to and not far distant from the southerly side of Little bay

du Noquet, in consequence of their somewhat abrupt termination at the bay mentioned, expose a series of rocky cliffs of exceeding interest. The immediate line of this coast is bounded in part by perpendicular or overhanging cliffs, not usually having an elevation of more than thirty to forty feet. The rocks of these cliffs are referable to the lower group of limestone and shales, while the hills rising abruptly immediately inland are capped by the overlaying or upper limestones. The cliffs immediately bounding the bay are made up of a series of argillaceous limestones in thin strata, with intervening soft argillaceous slate of a blue color; this slate constituting by far the larger proportion of the cliffs. These shales which are rapidly disintegrated by the action of moisture and frost, have been thrown down, and swept away by the waters below, while the harder and more compact strata of limestone having resisted the action of these causes, are left in projecting and overhanging cliffs. Some portions of the layers or strata of limestone are almost wholly composed of congeries of fossils, of the genera before mentioned, while in others, no fossils have been detected. The same remarks respecting the fossils may also apply to the slaty portions of the group.

Between Little bay du Noquet and Drummond's island, the lower group was not noticed *upon the coast*, but in ascending the Ste Marie river, it was seen at the Nebeesh rapids, Sailor's encampment island, and also on the easterly end of the island of St. Joseph. Nearly, if not the whole of the more elevated parts of the island last mentioned, are composed of the *upper lime-rock.*

In pursuing the course of out-crop of the lower group, from the Nebeesh rapids, where after thinning out, as has been before stated, it is seen in the bed of the river resting immediately upon the sandstone; it stretches in an easterly direction across great Sailor's encampment island, and the boat channel, and still further easterly it no doubt comes in direct contact with the primary rocks of the southerly part of Sugar island, as well as those of the northerly part of St. Joseph island. After leaving little Sailor's encampment island, this rock disappears beneath the highlands of the St. Joseph, but again re-appears in close proximity to the primary, on the eastern side of that island, about five miles below Bears' encampment island, of the Montreal channel. The rock, as observed at these points, is not only reduced very much in thickness, but has also lost nearly the whole of its associated shales.

At Sailor's encampment island, where the rock scarcely rises above the water, it has the character of a calcareous sandstone, with comparatively few fossils; while on the easterly part of St. Joseph, where it rises to a height of about five feet above the water, it takes the character of a flaggy bitumi-

nous limestone, of a dark brown color, and is composed almost entirely of a mass of those fossils which characterize the formation.

Upper Limerocks.

Upon the group of lower limestone and shale, and differing from it not only in continued fossils, but also in physical character, rests a series of limerocks, extending from the Manitoulin islands of lake Huron, to, and including the southerly cape of Green bay. A *strict* consideration of the subject connected with this extended group of rocks, would perhaps call for a division of the mass into three parts, viz: the lower, or Pentamerus portion; the middle, or Polypyferus portion, and the upper, or Mackinac and Manitoulin portion. But for all the purposes of the present report, it is sufficient to consider these separate rocks as a single group.

The most casual observer of the maps representing the northern and eastern parts of lake Huron, can scarcely fail to notice the immense numbers of islands that are there represented. The larger of these, and in fact nearly the whole of them, are composed of limerocks, referable to the group under consideration.

Commencing with that group of islands known as the Manitoulin chain, of which Drummond's island may be considered the termination westwardly, the upper limestone is observed to pass to the main land, forming the bed of the lake in the intermediate space, and to appear at intervals upon the coast, as we proceed westwardly. The upper portions of the rock form the base of that group of islands, east from Mackinac, known as the Cheneaux, as well as the island of Mackinac and the range of hills extending westward on the main land, commencing with the bare point of rock, known as the Sitting rabbit.

The middle and lower portions of the group appear at many points along the coast, forming the head of lake Michigan, as well as the Great bay du Noquet, and also cap the hills upon the easterly side of Little bay du Noquet of Green bay. They also give rise to the islands at the entrance of the bay last mentioned, and compose at least the whole upper part of the elevated cliffs forming the southern boundary of that bay.

It will thus be observed, that the line of bearing of the upper group of limerocks is very nearly east and west, while the general inclination, as has been before stated, is south, or perhaps more nearly south south-east. The inclination of the whole of the rocks described being southerly, offers a sufficient explanation for the fact, that in proceeding northerly from the coast, we soon pass from the upper to the lower limestone and shales, and by continuing still farther north, we come upon the red sandstone of lake Superior.

Drummond's island, the only island of the Manitoulin chain that falls within the territory of the United States, is composed of the lower and middle portions of the upper limestones, and the characters which are applicable to it here will sufficiently characterize it through its whole range.

At Collier's harbor, (the site of the old British fort,) near the western extremity of the island, the lower portion of this series is seen to form the bed of the lake. The rock rises almost imperceptibly to the surface, forming the immediate shores of the small bay mentioned. The rock, which here rises only a few feet above the water, is exceedingly compact, of a light brown color and sub-granular struction, and is nearly destitute of fossils. Its surface is indented with numerous small and somewhat regular spherical cavities, which give to it a very singular appearance.

After leaving Collier's harbor, the rock is concealed by detrital matter until we reach the central and elevated part of the island, where the rock belonging to the middle portion of the group and overlaying that before noticed, appears. This rock differs widely in appearance and composition from that at Collier's harbor. It has a course granular or sub-chrystalline structure, and is of a light buff color, which at times approaches nearly to whiteness. The rock is usually compact, though it sometimes partakes of a slatiness of structure.

This last rock constitutes the range of hills stretching in an easterly and westerly direction across, and forming the elevated portions of the island, attaining an elevation varying from eighty to one hundred and twenty feet.

The middle rock of the group is here characterized by the abundance of its contained fossils, chiefly Polyparia, which also mark its complete range westerly. The most abundant of these, embrace several species of the genera Calamopora, Catenipora, Syringopora, Aulopora and Strombodes, together with several species of Orthocera. This limerock appears at intervals upon the coast, in the direction of Mackinac, but always at a very low level.

The rock which constitutes the island of Mackinac, as well as the range of hills stretching in a westerly direction, on the main land, belongs to the upper portion of the group, and since it was more particularly noticed in the second annual report from this department, will be passed by with this simple notice.

Westwardly from the straits of Mackinac, this upper portion of the limestone continues to cap the hills, while the middle and lower portions of the same group appear at short intervals upon the coast along the northern end of lake Michigan to point Detour and Great bay du Noquet of Green bay, along the easterly side of which bay they form abrupt and perpendicular cliffs, varying from forty to one hundred and twenty feet

in height. The lower rock of the series, as has been before stated, caps the elevated hills on the easterly side of Little bay du Noquet.

Economical Geology of the upper and lower limestones and shales.

The two groups of limerock under consideration, may be made to furnish an abundance of material, admirably adapted for use as a building stone, and also for the manufacture of quick lime.

On the eastern part of Drummond's island, the elevated range of hills which traverse that island, terminate abruptly in a series of cliffs elevated from one hundred to one hundred and twenty feet. Portions of the limerock forming these cliffs are admirably adapted for use as a building stone, as well as for the manufacture of lime; and from the fact that vessels may approach almost directly to the coast, and load with safety, its value is much enhanced. Near by, and in fact, almost in contact with the rock, is a small perfectly "land locked" harbor, that has been rendered secure from storms by a narrow "spit" of gravel, which is covered with forest trees.

The cliffs at this point of Drummond island, are made up of a series of strata, as follows, *in ascending order:*

1. A brownish, light colored limestone, of extreme fineness, and separating into layers, varying from one to four or five inches in thickness; well adapted for use as a flagging stone, and for the manufacture of lime. Rises to a height of about twelve feet above the water.

2. Resting upon this flaggy limestone is a compact, light bu colored, granular, occasionally sub-siliceous limestone. It separates into layers, having a thickness of from five to six feet, and blocks may be obtained of almost any required size. This rock occupies about sixty feet in height in the bank, and is so situated as to admit of being quarried with the utmost facility. As a material for building, it is of superior quality, being well calculated to resist the action of disintegrating agents, and when the thickness of the separate strata, with the ease with which the rock may be quarried, together with its peculiarly advantageous situation, are considered, I trust the great value of this quarry may be appreciated.

3. Above, and resting upon the granular rock just described, is a fine grained, light colored, compact limestone, occupying about twenty feet of the hill side, above which the rock was so covered with detrital matter as to prevent observation. This limestone is of a somewhat flaggy structure, and, unfortunately for its application as a building material, it separates into irregular masses; were it upon the ground where required for use, it would answer tolerably as a rough building stone,

but will scarcely bear transportation for that purpose; it may, however, be advantageously used for the manufacture of lime.

Limestone of good quality may be quarried with facility at many points on Drummond's island, and I may safely venture the opinion, that at no very distant day, the limestones of this island will obtain the celebrity they so justly deserve.

From Drummond's island to Mackinac, the great mass of limerock upon the immediate coast, lies below the level of the water, and of necessity does not admit of being quarried; but at a few points, quarries may be opened to a limited extent.

The rocks of Mackinac, and the vicinity, were described in a former report. These upper rocks possess less compactness than those lying below, and in consequence of their vesiculated structure, are more subject to disintegration; and added to this, the shattered condition of that on the island of Mackinac, will prevent its extensive use for permanent structures.

Limestone of better quality belonging to the same place in the group is found on Round island and also upon the main land in the vicinity of Pte St. Ignace.

From the straits of Mackinac to Pte Detour of Green bay, limestone may be very advantageously quarried at many points upon the immediate coast. A low cliff of granular, siliceous limerock, attaining an elevation of some twelve to fifteen feet above the water, occurs on the westerly side of Pte Seul Choix, and offers an advantageous situation for obtaining an excellent building stone, in thick strata, at little cost. This rock belongs to the middle portion of the upper group.

Limerock, well adapted for use as a building stone, or for the manufacture of lime, may be quarried in a limited quantity, at the head of the small lake through which the Monistique river, makes its embouchure into lake Michigan. Although not of very great extent, it will prove of much value at this particular point.

In the vicinity of Pte Detour of Green bay, this *middle* limerock may be advantageously quarried at many points upon the coast.

On the easterly side of Great bay du Noquet, the elevated cliffs belonging to the middle and lower portions of the *upper group* may be made to furnish an inexhaustible supply of good building stone. The rock is compact and admirably calculated to resist the action of disintegrating agents, and may be advantageously and readily quarried, of almost any required thickness. The lower portions are composed of thin strata of a fine grained rock, well fitted for the manufacture of quick lime, while the upper portions are of a more granular structure, and occur in strata having a thickness of from three to five feet. The cliffs and hills rise here, as we have before stated, to a heighth varying from eighty to one hundred and fifty feet.

On the easterly side of Little bay du Noquet the lower limestone and shales may be made to furnish a tolerable building stone as well as a material for the manufacture of quick lime, but of inferior quality compared with those before mentioned, and not as easily quarried.

From this brief outline it will be seen that this portion of the upper peninsula, furnishes an abundant supply of a superior material for building as well as for the manufacture of quick lime. Thus, when the soil shall be cultivated, the agriculturist will have an unfailing supply of calcareous manure at hand, and with a soil adapted to its use, by judicious management, he cannot fail to reap an abundant harvest. With these elements of wealth at hand, in addition to the great and important fisheries which surround the peninsula, we may, I trust, lay aside the long cherished idea, that this portion of our state must remain an uninhabited wilderness.

Mineral contents of Limestones and Shales.

The minerals embraced in the *groups* of limestones, of the upper peninsula, are few, and so far as I have been able to determine, even those few are in comparative small quantities.

Gypsum is found forming thin *veins* in the middle and upper portions of the upper group of limestones, and it has been obtained in sufficient quantity to admit of export; but so far as I have been able to determine these veins are of limited extent, and they are chiefly below the present water of the lakes. Veins of gypsum occur in the bed of the lake, near St. Martin's island of lake Huron, and also at several points on the coasts westwardly from Mackinac.

Calcareous spar, and iron pyrites are occasionally met with, and hornstone occurs still more frequently, sometimes forming thin beds in the upper groups of rocks.

SOUTHERN, OR LOWER PENINSULA.

Clay Iron-stone of Branch county, and Bog ores of Kalamazoo, Jackson and Oakland.

For an abstract of the labors performed in the southern peninsula of our state, I would refer you to the accompanying reports of the several assistants, hereto appended. I have deemed it unnecessary, *at this time*, to add more than to call your attention to a single subject, which, by an act of your honorable body, I was instructed especially to examine, viz: the "iron ore on section sixteen, town five south, range seven west, in the county of Branch."

Agreeably to those instructions, I proceeded to the examination directed, but a series of untoward events, together with the very urgent duties devolving upon me during that portion of the season which would admit of the continuance of these

labors, has thus far prevented the completion of the work. I was desirous to defer the completion of the examination until the surveys in that and the adjoining counties had been so nearly brought to a close, as to enable me to judge with certainty, of the real character of the formation in which the ore is embraced. These surveys are now so far advanced, as to enable me to arrive at satisfactory conclusions upon that point of the subject, and but little remains to bring the examination to a close.

In that portion of Branch county, to which my attention was called by the instructions, and over many miles of the surrounding country, a stratum of what usually appears as a grayish brown clay, rises to the surface, or is reached by removing the superficial soil by which it is covered. An examination of the ravines and banks of streams cutting through this indurated clay, shows it to be regularly stratified, and also, that the lower exposed portions approach in character very nearly to an argillaceous sandstone. It is in this stratum that the clay ironstone under consideration, is imbeded, and upon it the sandstones lying north as well as easterly, rest. Although these clays of the ironstone formation are more largely developed in this portion of Branch county than in any other position where they have been observed, portions of the stratum have nevertheless been traced through other parts of Branch, as well as through a portion of Hillsdale and Calhoun counties.

On the section (sixteen) alluded to, broken pieces of kidney ore were found in abundance, mixed with the soil, or more frequently lying directly upon the clay and covered by the superficial soil. As nearly as could be determined, the clay underlays the complete "section," but the opportunity offered for its examination is not as favorable as that upon some of the adjoining sections, for the reason that the surface is more uniformly flat, without any considerable ravines, while on the others, the formation is frequently exposed in the ravines and streams.

In order to determine more satisfactorily than could otherwise be done, the arrangement of the ore in the formation, as well as the quantity contained in a given area, an excavation was made in the westerly bank of Coldwater river, near the line between sections nine and ten, and but a short distance from the corner of section sixteen where the banks are elevated about twenty-two feet above low water of the river. This excavation, which was continued from the top of the bank, exposed the whole strata of the formation, as low as the water of the stream. About eighteen inches of clayey soil, containing numerous broken fragments of ore, caps the clay, after which the strata continue regular, each descending layer increasing in compactness, until at the base, as was before stated,

it has almost the compactness and character of an argillaceous sandstone.

The masses of ore, although distributed partially through the whole of the clay, are usually arranged in partial layers, separated from eighteen inches to two feet from each other, and by far the largest portion of it, as well as that of the greatest purity, occurs in the upper half of the bank. As we approach the harder and more siliceous portions of the clay formation, the character of the nodules of ore gradually changes, in consequence of the mixture of siliceous and aluminous matter with the iron, thereby rendering them nearly worthless.

After raising between five and six tons of the ore, I became satisfied of its existence at this point in sufficient quantity to admit of being profitably raised, and numerous partial excavations in the surrounding country, led me to believe that at least for a distance of more than half a mile, the relative quantity continues much the same.

This ore which, as has already been stated, is of that variety known as kidney iron ore, is of the same character as that so extensively used for reduction at many of the furnaces in Ohio, and it does not suffer by comparison with that which occurs in that state. The beds which have been so extensively and profitably worked in vicinity of Zoar, Ohio, occur under very similar circumstances, and the ore produced by an equal amount of excavation would probably be about the same at that place and the point alluded to in Branch county. At Zoar, the argillaceous stratum in which the nodules are imbeded, has a slaty structure, for which reason the labor of excavation may possibly be less than it would be with the more compact clays in Branch county. This variety of ore in Ohio, yields, "in the large way," from thirty to thirty-seven per cent, of cast iron.

Much of the clay with which this argillaceous ore is associated in that portion of our own state alluded to, is so nearly destitute of lime, and of so homogeneous and fine a structure, as to be well adapted to the manufacture of stone ware and fire bricks, and it cannot fail, ere long, to come into extensive use for these purposes. For the manufacture of these important articles, none of the numerous clays which have been noticed in the state will compare with those of this formation.

The investigation of this subject, as directed, will be continued upon the first opening of spring, with the view of bringing to light all the facts connected with this interesting and valuable deposite.

The peculiarly favorable situation of the surrounding country for supplying the materials required for the reduction of iron ore, renders it exceedingly desirable that the whole facts respecting this deposite, be known. With an abundance of

hydraulic power, situated in heavily timbered lands, yet surrounding by plains and prairies, in the immediate vicinity of the flourishing village of Union City, situated at that point to which the St. Joseph may be made navigable by improvement, and withal, possessing agricultural advantages second to none in the state, if it be satisfactorily determined that the raw material may be found in sufficient abundance to warrant, it is presumed that capital would not be slow in seeking an investment which would promise so abundant a return of profit.

In connection with this subject, I cannot refrain alluding to the fact, that we have not as yet a single furnace for the reduction of ore in our state, and while there is abundance of the raw material, requiring a comparatively small amount of capital invested for its manufacture, we are annually sending abroad an immense amount of money for those very articles, enhanced in value by the cost of transportation, which should be produced upon our own soil. Thus, while the rich bog ore of Kalamazoo, Jackson and Oakland counties are yielding their owners no profit, the very citizens who should be supplied from these sources, are transporting castings, by land carriage, at an expense, which, at this season of embarrassment, they are little able to bear.

The extensive bed of bog iron ore in the immediate vicinity of the village of Kalamazoo, alluded to in the first annual report from this department, and described in the accompanying report of Mr. Douglass, in consequence of the richness of the ore, together with its peculiarly favorable situation upon the banks of the Kalamazoo river, offers inducements for the investment of capital, that would appear to be in no wise appreciated; and it is sincerely to be hoped that ere long, sufficient drafts will be made upon it, to supply at least the inhabitants of that portion of the country, with all the iron which their wants may demand.

The valuable deposite of bog iron ore upon the land of Isaac N. Swain, Esq., near the village of Concord, Jackson county, referred to in the accompanying report of Mr. Douglass, should not be suffered to lie idle, and it is to be hoped that the enterprising citizens of the county in which it occurs, will not allow another year to pass by, without applying to use, that source of wealth which is now yielding profit to no one.

Gypsum and Marl.

Closely connected with the iron ores of our state in importance, is the subject of calcareous manures. Our citizens are already annually importing from the neighboring states, large quantities of plaster, and this import must have a rapid increase unless means be taken to open the stores which are found within our own state. There is no point now known where gypsum can be so readily obtained, and where it is at the same time

so advantageously situated for distribution over the surrounding country, as at the rapids of Grand river. Here is an extensive deposite of this important mineral, which in quality is not exceeded by any in our Union, yet thus far it has been entirely neglected. This should not be, for the time has now arrived when it is required for use, and no contingency should be allowed to arise that will cause it any longer to lie dormant.

The *marl* beds that are distributed at such short intervals over our state, appear thus far to have been wholly neglected by our agriculturists. These marl beds may be made to yield an inexhaustible supply of calcareous manures, which, judiciously applied upon proper soils, will be found scarcely inferior to plaster itself, and with the advantage that the marls are always close at hand, and may be procured at an expense which, compared with that of gypsum, is trifling.

The appended reports of Messrs. Hubbard and Douglass, serve to show the immense deposites of this mineral embraced within the organized counties of the peninsula, and to those reports I would refer you for more particular information on this important subject.

ZOOLOGICAL AND BOTANICAL DEPARTMENTS.

In conformity with the provisions of "An act relative to the geological survey," approved March 22, 1838, creating the Zoological and botanical departments of the geological survey, these departments were duly organized by the nomination by the head of this department, and the appointment by the governor, of the several assistants contemplated by the act.

Reports of the duties performed by the heads of these departments and of the progress which had been made in the work assigned them from the time of their appointment until January 1, 1839, were duly transmitted with the second annual report which I had the honor to lay before you.

Immediately after the adjournment of your honorable body at your last session, the resignation of the several assistants in these departments, caused a suspension of this portion of the contemplated work, since which time it has not been in my power to select persons competent to the task who would willingly accept the trust.

The resignation of the heads of these departments, and the suspension of work which necessarily followed during the complete season for labor in the field, has operated exceedingly unfavorably to the interests of these portions of the survey, and while I had hoped to see the zoology and botany of our state under the guidance of the able assistants in whose hands they had been placed, rapidly approaching to completion, comparatively little advance has been made, and the subjects remain very nearly where they were left at the date of my last report.

In order to preserve from absolute loss, what had already been done, and to make such advance as the circumstance might admit, a single sub-assistant, Mr. Geo. H. Bull, retains his situation, and by his assistance I have been enabled to place the botanical portion of the work in such condition that it may be of use in the final and connected reports which are required to be made.

It will be borne in mind that the several assistants, in the departments under consideration, are made by law, *state officers*, and that their salaries are fixed by that law; for which reason it will be perceived that the expenses incurred during the past year, must of necessity, have been reduced the amount of the salaries of the several assistants and sub-assistants, who have handed in their resignations.

In the present condition of the zoological and botanical departments of the survey, it will be impossible, under any contingency, to complete the work in the manner directed within the time assigned, while the work in the geological and topographical departments is drawing rapidly towards a close. The time which remains for the completion is so short, that I feel assured, no competent man would be willing to hazard his reputation in attempting, *within the space allowed*, to complete either the botany or zoology of our state. Again, if the time for the completion of these subjects be extended, they must necessarily, in the end, be separated from the general work, which will require no such extension.

GEOLOGICAL AND TOPOGRAPHICAL DEPARTMENTS.

The plan of organization adopted in these two departments of the survey is such, as to render them so mutually dependent upon each other, that they can scarcely be considered separately; for the field duties in each are performed by the same assistants, and it is not until the field notes are returned to the office, that the geological and topographical portions are finally separated. The labor of the assistants in these departments, as well as a portion of my own time, has been devoted to a continuance of the surveys of the organized counties of the state, and the work, although still in many parts incomplete, has, nevertheless, made rapid advances towards completion.

For an abstract of the progress that has been made in the topographical part of the survey, I would refer you to the report of the principal assistant in that department, hereto appended. The services of the topographer have been constantly occupied in reducing to form, the field notes, as they were returned from the geological department proper, by which arrangement, the contemplated maps of the separate counties of our state have been brought much nearer to completion than could have been anticipated.

For an outline of the plan adopted for the county maps, as

well as for the arrangement of this portion of the work, I would refer you to the second annual report from this department, and, in order to render this subject more intelligible to you, an outline map, representing the scale and general plan adopted for the separate counties, is hereto appended.

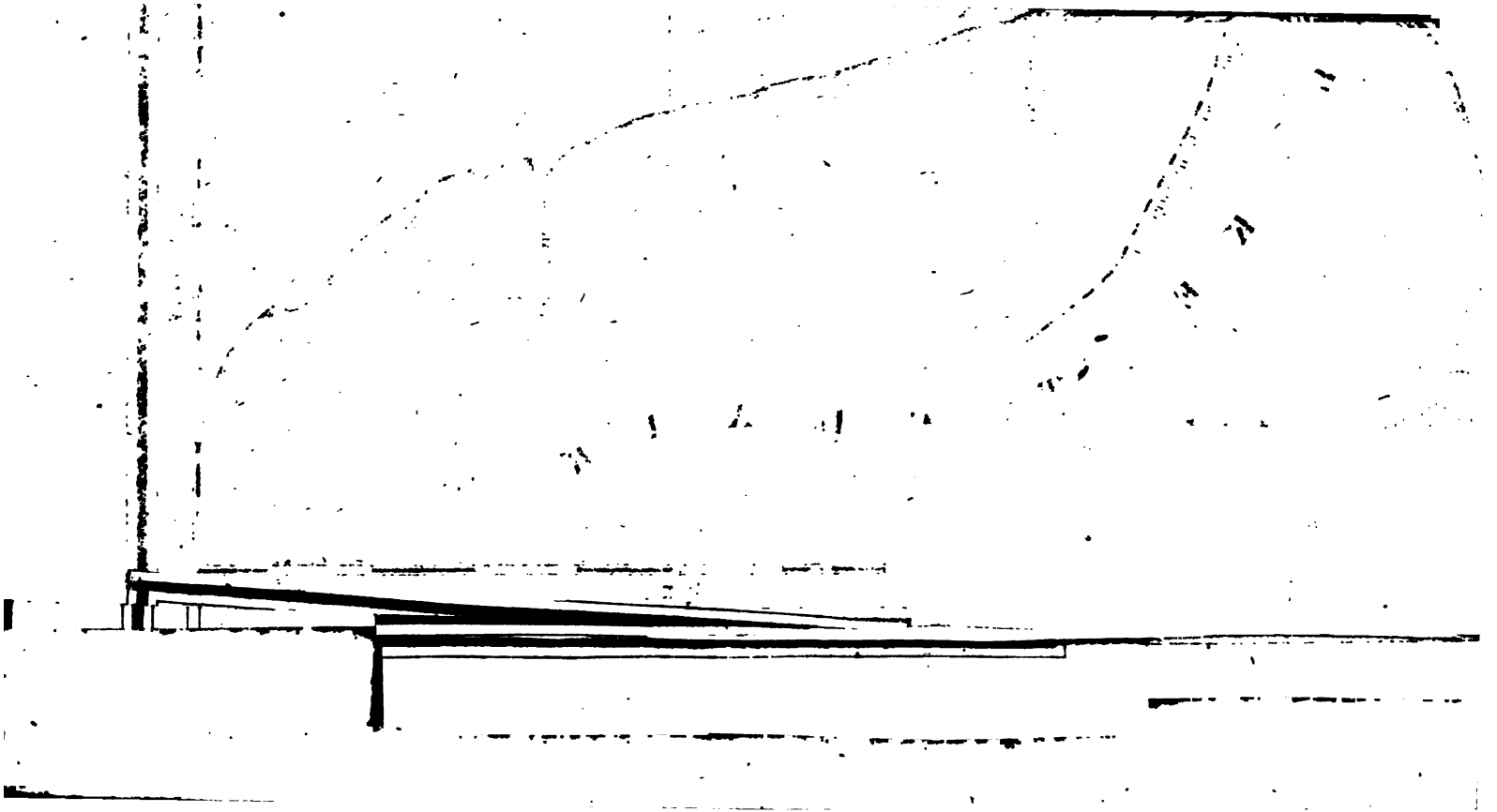
In connection with this subject, I would again respectfully call your attention to the importance of a sub-division of the northern portion of the southern peninsula into counties, for the reasons set forth in the report before alluded to.

Although a vast amount of labor yet remains to be done in the field in order to complete the work that has been commenced, will, nevertheless, with the present organization, be enabled, I trust, to complete the geological and topographical parts of it within the current year, being the time originally assigned by the act authorizing the survey. It will, however, be impossible, under any contingency, to complete the zoological and botanical portions of it within that time, and under the aspect which the subject has assumed since your last session, I have been led to believe a suspension of this portion of the work would be in consonance with your views. Should this be deemed desirable, no very great injury will now be sustained by the other portions of the survey, while the expense will be reduced nearly one half.

In addition to the labors yet required to be performed, an abstract of which will be seen by reference to the report of the topographer, there yet remains to be surveyed the whole of the northern slope of the upper peninsula, extending from the rapids of the Ste Marie river, to the westerly boundary, at Montreal river, the complete line of coast from the foot of lake Superior to the most westerly boundary, will require to be triangulated for the use of the topographical department, as well as for the correct delineation of the geopraphy and geology. The uneven character of a portion of this country, will serve to render the topographical duties of those engaged in the geological survey, of the most arduous kind.

The geology of that district extending from Keweena point to, and including the Porcupine mountains, and stretching far into the interior, will require much minute examination, for it is within this district that the rocks containing the copper ore of lake Superior, are embraced. Were it not that I have already examined this country sufficient to know to what points to direct particular attention, it would be impossible to accomplish a work, involving such immense labor and hardship, within the time specified by the act of organization; but as it is, aided by the efficient and industrious assistants connected with the department, I can safely say, that the whole will be accomplished within that time.

DOUGLASS HOUGHTON,
State Geologist.



Report of S. W. Higgins, *Topographer of Geological Survey.*

Detroit, January 12, 1840.

To Douglass Houghton, *State Geologist:*

Since the date of my last annual communication to you, my whole time has been occupied in the drafting office, mostly in compiling and adapting to the scales of the proposed maps, the details of information furnished to this department in the progress of the geological survey, and the United States linear surveys.

The mutual connection, established by act of the legislature of 1838, between the geological and topographical departments (of the survey,) has not only enabled the latter to proceed with greater rapidity, but has furnished to this office through the assistance of those engaged in the *geological* department, an immense amount of topographical information which it would have been impossible otherwise to collect. The details returned by the geologists are platted, or roughly drafted by them while in the field, upon maps of single townships, on a scale of two inches to the mile. This scale admits of the utmost minuteness necessary in laying down the results, as well of the geological as the topographical investigations; and these *township plats*, thus executed, and returned to me, from time to time, are then applied by this department, to the reduced scale of two miles to the inch, which has been adopted for the several county maps.

The interest which of late has been manifested to ascertain the boundaries of lands held in dispute, where the parties were enabled to exhibit evident claims, has induced me to attempt a full collection of the patents issued by the United States to lands claimed by the inhabitants of the territory, and to construct a map which shall include all the necessary references as to the extent and boundaries of each separate tract, and the quantity of land contained therein.

Having thus stated the character of the duties which have occupied the officer of this department during the past season, I proceed to lay before you the

Progress of Maps under construction.

Those maps which were mentioned in my report of last year, as being in a state of forwardness, have progressed towards a state of final completion.

Of the thirty-four counties whose boundaries have been established by law, the topography of the following sixteen has more particularly been examined, and laid upon them, viz:

Wayne,	Livingston,
Jackson,	Washtenaw,
Lenawee,	Ingham,

Calhoun,	Eaton,
Branch,	Hillsdale,
St. Joseph,	Monroe,
Cass,	Oakland,
Berrien,	Genesee.

Explorations have been made of Ionia, Kalamazoo and Van Buren, but want of time has prevented the further execution of the maps of these counties.

Limited portions only, of the counties enumerated below have been explored, it being intended to resume that work in the proper season.

Lapeer,	Clinton,
Saginaw,	Allegan,
Kent,	Shiawassee.
Ottawa,	

No investigations have been made as yet, in the following counties, viz:

Barry,	Macomb,
Sanilac,	St. Clair,
Midland,	Gratiot,
Isabella,	Oceana.

The northern parts of Kent, Ottawa and Isabella, and the whole of Oceana, were unsurveyed at the time of establishing their boundaries, but since they have been sub-divided, along with much of the remaining portion of the peninsula, it would now be a proper time to determine any alterations to be made, and also to establish the boundaries of new counties over that portion of the state.

Oceana and Ottawa, are greatly disproportioned in size, to all the other counties of the state, except Oakland, the former having an area of thirty-six by sixty miles, and the latter twenty-four by thirty-six; while Branch, Cass and most others have an area only of twenty-four by eighteen miles.

In progressing with the topographical maps, regard has been had, in connection with the geological survey, to a speedy publication of them, with as little delay as possible, in order to place in the hands of our citizens, as well as of the emigrant, who may require a more accurate knowledge of the country, the information which they contain. Much solicitude at the present time is shown in many of the eastern states for similar maps, presenting such a delineation of their territories as will develope their own resources, and as may tend to the prevention of that tide of emigration which has set westward for the last few years.

Aided by little else than common report, and information furnished by surveyors, of the richness of our western lands, the spirit of enterprise induced constant emigration to our state, and were further means used to extend information in regard

to the remainder of those lands recently surveyed, and lying north of Grand river, and, indeed, in every other part of the peninsula, not yet bought up, they would be much more speedily settled upon and improved.

For want of the means of a better knowledge of the country, it is believed that the north and west have been neglected, where selections might be made, equal to the best in quality and extent, and comparable with any other districts on the peninsula.

To prevent Michigan from being a mere thoroughfare for emigrants, who, having embarked for states and territories in the west, are seeking the most direct passage into Illinois, Wisconsin and Iowa, while the best portions of our state are passed by, justice to the former reputation of our soil demands a description, the correctness of which would more than maintain its former and deserved estimation.

"If the benefits of correct topographical maps are not obvious to the minds of all, they are none the less real. The durable reputation of the state is too deeply concerned," to leave to circumstances merely, or to fortuitous information, the decision, whether a residence in *Michigan* is preferable to one beyond it; nor can we expect that without the information which such maps afford, the country will be either known or appreciated.

Map of lands donated by the United States.

I have now in my possession, copies of almost all the original patents, and have advanced so far in the construction of the map, as to approach completion. No labor in this department has been more arduous; at the same time none has given me more satisfaction, or appeared to offer greater advantages to those interested. This is the more evident, since there exists no map of these surveys, which can in any manner be depended on, and those which do exist, are too much mutilated for use, and are both few and erroneous.

It is well known, that in very many cases these surveys made by Mr. Greely, upon which patents were granted and confirmed, will greatly affect the proprietorship of fractional lots lying in connection, inasmuch as instances occur where the section lines of surrounding surveys, made six years afterwards, are found to pass through and are closed upon the interior lines of patents, and portions of such patents, being actually sold in fractions as public lands.

An instance of this kind occurs about nine miles west of the city of Monroe, on patent No. 538, survey No. 428, containing 61,364 acres, originally donated to McDougal and Ruland.

While it is barely possible in any other of the surveys of the state that these conflicting claims can occur, on account of

the regularity and method observed, almost endless litigation is likely to be the consequence of a re-survey and establishment of the boundaries of these donated tracts.

The consequent utility, therefore, of a correct map of these donations, can be little less than that of a true description contained in a title to the property at stake. The period should not be further prolonged, for the public to be in possession of this work, and to secure the important advantages to be derived from it.

Extent of donated Lands.

The number of acres comprised in these patents, as near as I can now state, is about 130,000 acres; 52,165 of which lie in the neighborhood of Monroe, viz: between the riviere aux Vase and riviere aux Loutre, or Otter creek, 3,980 acres; between the riviere aux Routre and Plaisance creek, 1,167; between Plaisance creek and Fleurisance or Plumb creek, 2,143 acres; between riviere Raisin and Mason's run, 267 acres; between Mason's run and riviere aux Sable, 1,958 acres; between the riviere aux Sable and riviere aux Roche, 1,280 acres; and on each side of the riviere Raisin, the balance 41,368 acres.

Leaving the riviere aux Roche, or Stony creek, an interval of undonated lands occurs along the remainder of the shore of lake Erie, with but few exceptions, until reaching the Ste Cosme, at the mouth of the riviere Ecorses on Detroit river. From thence, for the distance of forty-five miles to Anchor bay in lake St. Clair, the lands are held by donation; thence again at not unequal intervals, to the shore of lake Huron.*

In short, much of the frontier included between the Maumee river, at the south-west end of lake Erie, up to lake Huron, was given to the inhabitants when this territory last changed rulers, and became a member of the Union. The inhabitants being few in number, required the fostering care of the government. At that period no human foresight could have predicted the immense value which these lands have since acquired; indeed, until the last few years, many important facts, relating to their ownership, were passing away; and in all probability, in a few years more, cases would have occurred where nothing would have been left, except such little information as tradition might have recorded.

Additional number of Peninsula Lakes.

The number of these was stated last year, so far as was then known, to be 1,425; this year the additional number which have been meandered, and otherwise known, amount to 872.

*For a history of the early transactions of the territorial government, and the commissioners appointed to settle land claims, vide American state papers, public lands, vol. 1, and Woodward.

The final number, probably, will not prove less than 3,000; thus the Indians have most aptly designated *Michigan* as *the land of lakes.*

Lake Lemen, in Switzerland, undoubtedly merits all that has been bestowed upon it by the thousand travelers who take occasion to visit that region. It would require, however, but a very limited knowledge of almost any district in this state, to find it surpassed; and the praises so liberally published and sung from "*note books*" and "*scraps*," "*journals*," "*residences*," "*reminiscences*" and "*pencillings*," would no more be heard in defence of a comparatively small expansion of a river.

Our inland peninsular lakes far exceed in number and beauty all others, perhaps on the globe. There are many, too, of the twenty-four hundred, already explored, dotting the surface of the country at every elevation, that for combination of all that is required in a finished picture, can never be excelled; hundreds of them present, what art has long endeavored to imitate in older countries, investing them with lawns, interspersed with orchards of a noble growth of oaks, and frequent prairies, flush as at the dawn of their creation. No eye, however sated, nor mind, however perverted, can contemplate a landscape so rich and varied, without yielding to the impression of its loveliness.

The outlets as well as inlets, of many of these lakes, are subterraneous; no surface stream being apparent, but the source of their supply may, with little examination, be discovered, in the numerous springs around their margin, which are usually indicated by clumps of willows and other bushes, and not unfrequently by masses of tufa.

The rise of water in all the peninsula lakes, was co-incident with the late rise in the great lakes, and originated from the same cause.

Wells sunk in their vicinity, particularly when the sand rock has been excavated, have an ebb and flow occasioned either by rains, or change of wind, affecting the level of the lakes with which they communicate.

Roads and Highways.

The roads and highways of our state claim a remark, as excelling in many particulars, those of the east, both in respect to their uniform grades, and their passable condition at all seasons of the year. The cause of the first mentioned superiority is common to most of the western country, viz: the even and level nature of the surface, which is at most gently undulating or rolling, with the total absence of mountains or high hills. The second arises from the nature of the soil, it usually containing much sand and gravel in its composition.

The roads in the openings and plains, offer to the traveler a

variety of routes, with the choice of diverging at pleasure, the scattered oaks leaving sufficient space between for the passage of horses or carriages, while the prairie is one wide unbounded highway, where no obstacle is present for pursuing whichever course curiosity may direct. These roads require the expenditure of little or no labor to keep them in repair.

The only exception to the above remark is found in those roads which, commencing at the different frontier towns on the eastern coasts, lead across a low timbered belt of country for the distance of six, ten and fifteen miles, and where the soil, as in some other districts, is clay. In these districts, they require to be worked at no inconsiderable expense, to keep them passable during the wet periods of the fall and spring.

The Chicago Turnpike or Trail.

Among the most noted of the highways of the state, the *Chicago road* claims a particular notice. It was formerly to the western tribes of Indians, the Sauks, Foxes, Winnebagoes, Menomonees, Potawatamies, &c., what the national road from Cumberland to St. Louis, now is to the whites. They were constantly traversing it in periods of war and peace, or when treaties were negotiating, and different and distant tribes were to be represented.

The Sauks from the Mississippi, in great numbers, in late years, were accustomed, by this route, to reach fort Malden to receive their annuities from the British government.

There were no parallel trails across the peninsula, and the trails from the Potawatamies in Indiana and Illinois, and from the Foxes and Menomonees, &c., of the north-west, all joined near the south bend of lake Michigan, and uniting into one, led directly to Detroit.

Persons even well acquainted with the appearance of an ordinary Indian path, are astonished at the width and depth of the track which is visible in places, to this day.

Such was the directness and facility of this route, that the United States made an appropriation some time after the erection of a territorial government for the north-west, causing a survey to be made of it from Detroit to Chicago, and letting it in sections for the construction of a turnpike.

This trail is supposed to be as long as any other within the territory of the United States, being two hundred and forty miles from Detroit to the point where it received those diverging trails from the south and north-west, and the length of some of its branches cannot be less than three hundred miles further, while numerous smaller ones enter from different directions, by which means the early pioneers of the west, easily threaded their way through these regions, and into the valley of the Mississippi, beyond.

Natural Woods of Michigan.

The arrangement which this subject calls for, properly belongs to the department of botany. Nevertheless, without attending to the details which should accompany a catalogue of an entire flora, it will be sufficient to exhibit generally, the geographical boundaries of such of the larger productions as are required for constant use, either in farming, building, or for the market.

Oak is the predominant growth of the peninsula. Among the varieties, the white is in the greatest abundance.

The shingle or laurel oak, and the red oak, are next abundant. And the burr oak, though not usually found intermixed in common with the other varieties, abounds, notwithstanding, over extensive areas, not unfrequently to the exclusion of other kinds.

The surest indication of a good soil accompanies the last mentioned, and the finest and largest crops of wheat are there produced, for the reason that the soil contains a larger amount of calcareous matter.

Dividing the peninsula by an east and west line, nearly corresponding to that of the northern railroad, a botanical map would represent the northern portion as having by far the greatest burthen of timber, possessing a proportionable quantity of the different varieties found elsewhere in the state.

Marked limits may be given to those districts in the southern portion, where a few groves of pines are found. Their localities are in the vicinity of the water courses of Kent and Ottawa counties, and among the timbered lands of Allegan; extending in comparatively small tracts along the borders of lake Michigan, nearly to New Buffalo, in Berrien. In crossing the state through the interior counties, none are met, until reaching the central parts of Genesee, Lapeer and St. Clair. Here they are again found in the same range of northern townships, where they first occur, in the counties before mentioned.

North of this belt or zone, which is the natural boundary between the oak openings and plains of the south, the forest abounds promiscuously with the white, yellow and Norway pine, white cedar, tamarac, ash, oak, birch, sugar maple, sycamore, beech, lynn, elm, white wood, black walnut, &c., &c.

There are, however, extensive districts nearly continuous from Ottawa, Kent and Ionia counties, northward, of openings and small prairies, particularly a few miles inland from White river, and from Great and Little Sable points. But on ascending the Maskego river until reaching its source, thence north, on both sides of the principal meridian, extensive tracts occur, in many instances free from a mixture of other timber, while

in other places, the sugar maple and beech are not unfrequently found commingling with pines of immense girth.

The fact of the white wood and black walnut accompanying the sugar, and beech, as seen occupying the districts inland, from the Sable points, in towns thirteen, fourteen, fifteen, sixteen and seventeen north, of ranges fourteen, fifteen, sixteen, seventeen and eighteen west, would, to the most ordinary agriculturist, demonstrate the superiority of the soil, and, when taken in connection with the limited tracts of oak openings and the great amount of the most valuable timber, it seems difficult to determine any preference of the southern over the northern portions of the state.

The soil is not considered of so good a quality on the eastern side of the peninsula, immediately along the shore of lake Huron, owing to its low, level and sandy qualities, consisting chiefly of the debris of sand rock. Consequently the timber is generelly stunted, and consists, in greater proportion, of birch, tamarac and cedar.

Where pine occurs, it is mostly too small to be profitably made use of. But at every advance, inland, both improve.

The face of the country, throughout the northern interior, is high and rolling, or undulating, and appears, to one acquainted with the southern part of the peninsula, to bear a close resemblance in its general contour.

It may be considered, then, as a question fully decided, that more than one-half of the state is heavily timbered, in that part lying above the northern railroad; that the sugar and pine are here the most common, as well as the most valuable timber; that the other kinds are found in situations equivalent to their occurrence further south, upon streams and bottom lands, or upon plains and openings.

No tree is held in higher estimation, by the Indians, than the sugar maple, and no source of complaint is more grievous, than a separation from it, by removal to places where it is not found.

The pine, if not wasted, or wantonly destroyed by fire, or otherwise, will furnish an abundant supply for a long time to come.

Variation of the Magnetic Needle.

The surveys of Michigan were intended to correspond with the true meridian, excepting those of Mr. Greenly, before mentioned, which were made without an observation to determine the true north. There appears, however, a variation between his first and last surveys, of about 1°.

This difference is palpaple, on tracing the lines along the first donation lands, to the rear of the "*back concessions*," so called, but the time which elapsed between running the front

and rear lines, may account for this in some measure, being about three years, during which it is well known, there must have been a greater or less alteration in the magnetic meridian. The needle, in this instance, was attracted westward.

Mysterious as the movement of this instrument is accounted to be, were greater attention devoted to an examination of the causes that effect it, instead of diminishing confidence in many of its results, its habits, though governed no doubt by a subtle influence, would be intimately known, and its uses appreciated accordingly. The rights of our citizens to their property, is closely connected with this inquiry.

Columbus, in his first voyage to America, first noticed the deflection of the needle, and since that time the subject has engaged the unceasing attention of the scientific, particularly for the last few years, insomuch that measures are now taken, both in Europe and America, to investigate fully the causes which are known constantly to effect it.

In 1835, the line of no variation was known to run longitudinally through about the middle of lake Huron; the variation on the shore twelve miles above the foot of the lake, was 6′ east; on Pointe aux Barques, in lat. 43° 51′ 36″; seventy miles from the foot of the lake, it was 1° 38′; twenty miles west of Pointe aux Barques on the same parallel, it was 2° 6′; farther west, at the mouth of Saginaw river, inlat. 43° 36′ 30″, 2° 19′ east, at the same time it was 2° 10′ at Detroit, lat. 42° 18′.

This line of no variation, has had, for the last eighteen years, a slow and perceptible movement westward, whereby continual changes are observable in the magnetic meridian.

The rate of movement, from 1810 to 1822, was from 2° 48′ to 3° 13′ 22″; equal to 25′ 22″ increase of east variation. From 1822 to 1828, a decrease from 3° 13′ 22″ to 2° 50′; (yearly difference, 4 4-10) and for the last twelve years, up to 1840, a decrease 2° 50′ to 2°; (yearly difference, 4′ 10″) 2° being the variation at this time at Detroit, where the above observations were taken.

The progress made in the surveys of the public lands during the last three years, has further developed this subject.

In 1837, on lake Michigan, near the mouth of Grand river, the variation was 4° 30′ east; thirty miles north, on the south side of Little Point au Sable, it was 6° 15′ east; and twelve miles further, on the north side of the same point 6° 00′; at the mouth of Pierre Marquette river, seventy-eight miles above Grand river, 4° 34′ east.

In 1838, the north boundary of town twenty-four north, range sixteen west, on the shore of lake Michigan, ninety-nine miles above Grand River, in lat 44° 31′ it was 4° 30′ east; thirty miles east on the same parallel, 2° 50′ east; sixty miles

east on the same parallel, 2° 45′ east; ninety miles east, same parallel, at the principal meridian, 2° east.

The magnetic meridian of Detroit, then, would pass at this time diagonally across the state, having a bearing from Detroit to the mouth of Saginaw river, thence to where the township line number twenty-four intersects the principal meridian, passing off the northern boundary of the state into lake Michigan, near the Little Traverse bay, and intersecting the western extreme point of Wabashanee.

Further data could be furnished were it thought necessary, but the foregoing is presumed to be sufficient to call the attention of practical surveyors to the importance of accurately making and recording their observations.

Diurnal Variation.

Besides the absolute variation, a daily motion has been observed constantly to accompany the needle.

The amount of this variation corresponds to the temperature, and therefore, at the period of the united heat of the earth and atmosphere, the diurnal variation will be greatest. This variation tends to increase the *absolute* western, and decrease the eastern variation, because the north end of the needle in this case invariably points to the west.

Messrs. John Mullett and W. A. Burt, are the only gentlemen who have communicated to me their observations. These were made without a thermometer to determine the degree of temperature, yet during several summers, the correspondence of their observations with those made elsewhere, agree as to the amount of variation, the mean for August and September, being 14′. Mr. Burt found the maximum for one day, 40′, but it is probable that other causes were in combination.

Errors arising from incorrect observations.

The known inaccuracy of the first public surveys, undoubtedly arose from errors in making observations to ascertain the variation, and shows a recklessness to obligation, which was probably induced by the newness of the country, and apparent distance of detection.

The fairest portion of the state was sub-divided with this evident want of skill, and with a carelessness in the first surveyor* which has already resulted in a vast amount of trouble and absolute loss to a portion of our citizens.

The area embraced by these surveys may be traced on the map, commencing at the south boundary of the state; thence northward forty-eight miles to the base line; thence fifty-four miles up to town number nine north; thus passing along the meridian of seventeen towns, of six miles square. Range lines

* Mr. Wampler.

intersecting these meridians at right angles, were also begun at the southern boundary of the state, at the principal meridian, and closing on the eastern border of the state.

The lines throughout this whole tract were run at a variation differing but little from 4° 39′.

The error lies in a too great variation of about 1° 30′ as is proved:

1st. By platting these surveys in connection with those since made, where a convergency, too great, of two miles is observable, on a meridian of fifty miles.

2d. By the incorrect manner in which the surveys themselves close; in many instances, a difference of 2° and 3° being necessary to meet the exigence.

3d. From the records of actual observations, made both before and since.

4th. From the improbability of the variation ever having been so great at or near Detroit.

In 1810, colonel Jared Mansfield records the variation at Detroit, at 2° 48′ 00″ east.

In 1822, Messrs. Mullet and Lyon, records the variations at Detroit, at 3° 13′ 22″ east.

Between the time of the above two observations, during the years 1816, 1817 and 1818, the error was committed, and if Mr. Wampler, who performed the surveying, was right, then from 1810 to 1816, the variation had increased from 2° 48′ to 4° 39′; making a difference of 1° 51′ in six years, or equal to 18′ 30″ each year; an unheard of phenomenon on this meridian, when it is further considered that in 1828 it was reduced to 2° 50′; decreasing in a ratio of 4 4-10′ per year only, and 4′ 10″ being the average annual decrease since that time.

I am inclined to attribute the error, to a neglect of observing the motion of the north star at the time of observation. This star revolves round the pole once in twenty-three hours and fifty-six minutes; and when at its greatest eastern or western elongation, is 1° 34′ nearly, from the pole. The western elongation was, no doubt, substituted for the meridian, which, it was intended to observe, whereby the error occurred.

Little, if any, attention was afterward manifested to correcting this error, and it is doubtful whether a suspicion existed in regard to it; for being satisfied with having obtained an observation at one point, at the beginning of the survey, three years were afterwards consumed in establishing town lines, without an alteration of 5′ of a degree, advancing with each line westerly over a space of one hundred miles, as in the instance of towns Nos. 17 north.

Now, so far as the best information collected up to this time, in regard to the increase of magnetic variation, (which is stated by professor Loomis, in the American Journal of Science, vol.

34, to be about 1° in sixty English miles,) these lines, on the western boundary of the survey, should have been run at a variation of 1° 40′ greater than on the eastern. Hence arises the cause of that series of fractional townships adjoining the principal meridian, throughout the extent of this survey.

Decrease of elevation in the waters of the Lakes.

All that is necessary to observe on this subject, is, a notice of the decrease in the level of the waters of the great lakes during the past year.

It is a question, I believe, satisfactorily determined at the present time, that there exists no perceptible tide in them, which can be referable to planetary influence, yet for a long time to come, it is presumed, on the ordinary fluctuations produced by atmospheric agency, will be considered a *tidal wave*, nor will the persuasion be easily dismissed, that so great an expanse of water can remain unaffected, at least to some degree.

The question is also as fully determined as to their general rise for a succession of years, and then their general subsidence to a certain minimum, the actual degree of which, as well as the maximum, were not recorded previous to the year eighteen hundred.

Their elevation in 1838, was given in my report of last year. The waters had then attained to five feet and three inches. This proved to be a greater flood than had occurred within the last century.

Table of elevation and depression in the waters of the lakes, compared with that of June 1, 1839.

	Feet.	Inc's.	Feet.	Inc's.
August 21, 1838, highest stage,			5	02
September, do decrease,	0	03	5	00
October, do do	0	09	4	03
November, do do	1	00	3	03
December, do do same,			3	03
January, 1839, do	1	08	1	07
June 10, do increase,	2	01	3	08
July 31, do do	0	03	3	11
Sept. 20, do decrease,	0	09	3	02
Oct. 28, do do	0	09	2	05
Nov. 27, do do same,			2	05
Jan. 30, 1840, do	1	08	0	09

Future prospects of the Peninsula.

It would not be difficult, from its topographical features, to predict the future condition and prospects of the peninsula.

It is conceded that most of the soil is peculiarly adapted to the production of wheat and other grains; and that at present, after disposing of a quantity equal to the whole product of any other state, the surplus which remains would equal in amount that already disposed of.

No district will ever be exclusively manufacturing, even though the coal in the central counties will in time be an article of common use.

The necessity which compels the erection of manufacturing establishments propelled by steam elsewhere, is the want of hydraulic power; no such necessity exists throughout our whole peninsula; were it otherwise, and a resort be had to steam, the coal region will furnish an abundant supply for all purposes which any other state can boast.

Hence it is, that so common are the facilities for the erection of mills on our streams, that there are no less than three hundred and eighty-six for flouring and sawing, in thirteen counties; Oakland and Lenawee each have fifty-one, and Washtenaw fifty-eight.

With equal facilities for making lumber, the pine of the north has already become an article of export from our shores.

Already such is the pursuit after the wealth which lies stored up within the lakes, that public attention is turned to the establishment of extensive fisheries on their distant shores and islands, and it will require but a few years for the development of this field of enterprize, and realization of its lucrative returns.

Michigan is a maratime state, having the advantages of the commerce of immense inland seas on every side; add to this the agricultural resources of which she is capable, and within the last twelve months has given an earnest, in her interior lakes and rivers, her resources in lumber and minerals, and an estimate may be formed of her future prospects and wealth; in the exportation of her products, the establishment of manufactories, in lines of internal improvement, and in the independence of her citizens.

S. W. HIGGINS,
Topographer to the Geological Survey.

Report of C. C. DOUGLASS, *Assistant Geologist.*

Detroit, Jan. 12, 1840.

To DOUGLASS HOUGHTON, *State Geologist:*

SIR—In compliance with your instructions, I have the honor herewith to transmit to you the general results of so much of my geological and topographical examinations, made during the past year, as are of practical utility.

In addition to the geological examinations, specimens have been collected, illustrating the geology, mineralogy and soils of the counties examined, and in accordance with your instructions, by which the assistants in the department of geology were required to perform the additional duties of assistants in the topographical department of the survey, field notes for the construction of accurate topographical maps of nearly every township examined during the past season, have been returned to that office.

My time during the past year has been chiefly occupied in making a detailed examination of the northern and western counties of the state.

In order to avoid, as far as may be, that repetition which would necessarily result from a consideration of the counties separately, I have grouped in a single district, the counties of *Jackson*, *Calhoun*, *Kalamazoo*, *Eaton*, *Ionia* and *Kent*, and comprised in a second group, the lake counties, *Ottawa*, *Van Buren* and *Allegan*. The geological features of the first group of counties would be extremely interesting, containing as it does the principal coal series of the southern part of the state, were it not for that almost universal covering of diluvium and ancient alluvion, varying in thickness from a few inches to several hundred feet, beneath which they are to a great extent concealed.

General remarks on the counties of Jackson, Calhoun, Kalamazoo, Eaton, Ionia and Kent.

In their topographical features, these counties, as a whole, may be described as gently undulating, with frequent level tracts of land, and occasional irregular knobby ridges.

The major part of Jackson, Calhoun and Kalamazoo counties, presents black oak, white oak, and hickory openings, interspersed with plains of white, black and burr oak, and hickory; while there are numerous tracts of heavily timbered land and prairies.

Ionia and Kent counties are nearly equally divided between oak openings, plains and heavy timbered land. Eaton county is mostly heavily timbered with beach, maple, &c.

The soil of these counties, as a whole, do not appear to have resulted from the disintegration of the rocks upon which they are based, but to have had their origin chiefly from the transition and primary rocks lying farther to the north. Intermixed with these, is not unfrequently a proportion of the debris of the coal bearing rocks, or the rocks of that series which forms by far the greatest portion of the district under consideration. Boulders of primary rocks, are not of unfrequent occurrence, and in some places occur in very great abundance.

The soil derived from these sources, presents all the varie-

ties, from a siliceous sand to a stiff clay; nevertheless, the most meagre of these soils contains the mineral and organic elements which are necessary to the growth of vegetation. As if to supply these soils, which may have been naturally meagre, or may have been rendered so by exhausting crops, nature has deposited inexhaustible quantities of manures, almost universally, throughout the counties, in the form of decayed vegetable muck, shell and tufaceous marl, marly clays, limestone and gypsum.

Marl, which is more universally distributed than any other of the calcareous manures of this district, and which will, in consequence of this fact, admit of a more universal application, is in itself more valuable for this purpose than limestone, since it generally contains vegetable and animal matter in combination, and its effects are more immediate. It exists in a state of minute sub-division, and is in a condition prepared to become directly a constituent of the soil; while it is necessary that limestone, as well as gypsum, should first be reduced to powder.

Marl.

Deposites of marl were found in nearly every town in the counties under consideration, occuring in the beds and banks of lakes and streams, in marshes, as well as occasionally, on the more elevated and dry lands, at a considerable distance from water.

This latter position is not unfrequent, but marls found in this situation, invariably show that they occupy what has heretofore been the bed of some lake or pool. Thus the marl does not seem to be confined to any particular soil or geological position.

For further particulars, respecting the origin and formation of marl, I refer you to Mr. Hubbard's report.

Local details of Marl. Jackson County.

Shell marl occurs more or less abundantly in the town of Napoleon, on sections twelve, fourteen, fifteen and nineteen, and other deposites of minor importance, were also noticed in this town.

In the town of *Columbus*, marl occurs, forming a very extensive deposit in the vicinity of Clark's lake. It also occurs abundantly on sections eight, nine, thirteen, nineteen, twenty-eight and twenty-nine, in the same town. Several of these deposites have an area of more than one hundred acres.

Several very extensive beds of marl were noticed in the town of *Liberty*, on sections eleven, thirteen, twenty-three, twenty-four and twenty-seven, as well as in the bed of Powell's lake and its vicinity.

The town of *Spring Arbor* abounds in extensive beds of marl,

which were more particularly noticed on sections twenty-one, twenty-eight and twenty-nine.

Hanover. A bed of marl having an area of more than one hundred acres, was noticed, forming a portion of the bed and banks of Farwell's lake. Inexhaustible deposites of shell and tufaceous marls occur near a lake which forms the head of Kalamazoo river.

Town of Sandstone. Marl is not unfrequently met with in making excavations in the marshes of this town. It was noticed near the village of Barry, and also on the farm of the hon. Mr. Gidley.

Pulaski. Marl occurs in abundance in many of the lakes and marshes of this town. A very extensive bed of shell and tufaceous marl was noticed on the farm of Isaac N. Swain, section two, occupying an area of more than sixty acres, and having a thickness exceeding six feet. An extensive bed was also noticed on section twenty-five.

Rives. A somewhat extensive deposite of marl occurs on section nine.

Leoni. Marl, in inexhaustible quantities, occurs near the outlet of Wolf lake, and also upon sections four, eleven, twelve, twenty-two and twenty-three.

Town of Jackson. Marl occurs in this town, in abundance, on sections twenty, twenty-one, twenty-six, twenty-seven and thirty-one, (town three south, range one west,) and also on section thirty-one, (town two south, range one west.)

Concord. Several extensive beds of marl occur in this town which were more particularly examined on sections eight and nine. Also in the bed and banks of the Kalamazoo river.

Grass Lake. On sections thirteen and twenty-nine, in this town, extensive beds of shell marl were examined.

Springport. An extensive bed of marl occurs on section fifteen.

Tompkins. An extensive bed of shell marl was examined on section seventeen, in this town.

Eaton County.

Kalamo. Several very extensive beds of marl were observed on sections twenty-two and twenty-five, (town two north, range six west,) and on section nineteen, (range five west.)

Kalamazoo County.

Texas. Shell and tufaceous marls occur in the beds of several lakes in this town. Also on sections thirty-one and thirty-two, of the same town, is an extensive deposite of this mineral.

Alamo. On sections one, nine, twelve and twenty-four, extensive beds of marl were examined.

Cooper. Marl is not unfrequently met with in the alluvial lands in the vicinity of the Kalamazoo river.

Ross. Marl was noticed in several of the lakes and marshes of this town.

Kalamazoo. Tufaceous and shell marls occur in a large marsh and in the valley of a small stream north-west from the village of Kalamazoo.

Chester. Extensive deposites of marl abound in this town, on sections four, nine, ten, eleven, twelve and twenty-four.

Calhoun County.

Marl occurs at intervals through this county in the alluvial lands of the Kalamazoo river, and pebbles and boulders are not unfrequently seen in the bed of the stream, incrusted with a thick coat of tufaceous marl.

Milton. Marl was observed in this town on the farm of hon. S. McCamly. It also occurs in several of the small lakes and streams.

Marengo. Marl is of very frequent occurrence in this town. An extensive bed was observed on sections one and two.

Marl was observed in the town of *Marshall*, near the hon. Mr. Pierce's mills. Also, in comparatively small quantity, in the low lands between the village of Marshall and the Kalamazoo river.

Kent County.

Town six north, range nine west. Tufa occurs in this township in the bed of Flat river, on section twenty-six, in a very extensive deposite.

Marl was observed on sections three and eight, township six north, range twelve west.

Extensive deposites of shell marl occur on sections twenty-two and twenty-three, township seven north, range ten west.

Marl was examined in township eight north, range eleven west, on sections thirteen and fourteen, in a dry burr oak plain.

Ionia County.

Tufaceous marl occurs in inexhaustible quantities in the vicinity of Lyon, town of Maple. Incrusted in some portions of this tufa, are quantities of leaves, recent shells, and in one instance have been found the vertebra and other remains of a large snake.

Marl occurs on section one, township six north, range five west; its extent unknown.

Extensive beds of shell and tufaceous marl exist near Mr. Dexter's mill, in the village of Ionia. Also, in the bed and banks of several of the small streams west of Ionia village.

Extensive beds of marl occur on sections ten, eleven and twenty-two, township eight north, range eight west.

This abstract of the locations of this valuable mineral only includes some of the most extensive deposites. It is sufficient, however, to render it apparent that marl is distributed in sufficient abundance to afford a ready supply for use as a manure, as also for the manufacturing of quick lime. It is within the reach of every man to obtain this restorative for his soils or a lime for economical purposes; an article of which, otherwise much of the country would be nearly destitute.

Peat.

This combustible alluvium is not unfrequently met with in the counties under consideration, in considerable quantities. That which has been examined, is chiefly of a coarse and fibrous character at the surface; while at a slight depth, its compactness is much increased. It will afford a tolerable article for fuel, when the wants of the country shall require it. This substance will, if properly prepared in compost heaps, prove of great value to the farmer, as a manure for enriching his land, and occurring as it does in abundance, this must eventually become a subject of great importance.

Clays and Sands.

Sands and clays forming portions of the diluvial and alluvial deposites are found in occasional somewhat extensive beds, in various parts of the counties under consideration, and may be found occupying positions, from the lowest sink to the summit of the highest elevation, apparently having no regular order of place but appearing in the form of irregular deposites.

Sand, suitable for moulding, brick making and for mortar, occurs in great abundance, and is usually composed of grains of quartz, hornblende and the debris of other primary minerals. It sometimes appears in a stratified form, and this stratification more frequently assumes an oblique direction to the plane of the horizon.

Many portions of the soft and disintegrating sandrock may be made to furnish a good material for the manufacture of glass; and its freedom from impurities renders it peculiarly adapted to use for this purpose. The most important situations in which sandrock, most suitable for this purpose, occurs, are at Jackson, Barry and Concord, Jackson county; also at the village of Marengo, and on the farm of Mr. Bagg, section seventeen, town of Marshall, Calhoun county.

The clays of these counties may be described according to their predominating colors, viz: red, gray and blue clays. The red and gray are by far the most abundant, and may be made to enter largely into use, for economical purposes. By far the

greater portion of these clays is contaminated by the admixture of lime, but since the marly portions of the clay usually form beds in the deposites, the manufacture of bricks, if sufficient care be used to separate the different portions of the mass, is enabled without much difficulty to obtain a clay well adapted for the uses to which it has been applied. The marly portions may readily be known by the application of a simple test, which is always at hand; for if a small piece of clay containing carbonate of lime be thrown into vinegar, effervescence will take place, or, in other words, bubbles of carbonic acid will rise to the surface, and this will take place, more or less actively, according as the proportion of the contaminating marl or lime is greater or less. This simple test, which is within the reach of every individual, may frequently, if applied, save much disappointment and expense.

Blue clay is but rarely seen in these counties. In Eaton county, in township two north, range five west, a blue clay not unlike the clay in the vicinity of Detroit, was penetrated in digging a well to the depth of twenty feet. It contains primary gravel and pebbles.

Boulders.

Numerous water-worn fragments of the primary rocks are found scattered through the counties under consideration. They were noticed as particularly abundant on some parts of the territorial road between Jackson and Marshall; also in the vicinity of the Grand and Kalamazoo rivers. But few of these were of lime or sandstone. Among the lime boulders, a few were seen of several tons weight. They contain numerous fossils characteristic of an older rock than any found *in place* in the south part of this state.

Bog Iron Ore.

Deposites of bog ore occur in limited quantities in many places, its presence being apparent in the highly ferruginous spots of earth. The most extensive deposites were noticed in Pulaski, Jackson county, and at Kalamazoo and Prairie Ronde, Kalamazoo county. In the town of Pulaski, is a bed of this ore, having an area of not far from five acres, and is deposited chiefly near the source of several copious chalybeate springs, on the farm of Isaac N. Swain, section two. The ore is chiefly shot and ochreous, with intermixed masses of ore; the whole being mixed with tufaceous lime. This bed has been examined to a depth of more than five feet without penetrating through the bed. The ore is of a light yellow color, being what is technically known as live ore. It may be easily excavated, having but a slight covering of earth, and is also well situated for the manufacturing of iron, being in the vicinity of hydraulic pow-

er, wood, tufa and sandstone, and is by far the most extensive bed examined in Jackson county.

It may be considered as sufficiently extensive to warrant the erection of a furnace for its reduction.

Ore occurs in the vicinity of *Prairie Ronde*, on section twenty-one, in beds varying from a few yards to several rods in extent, distributed over an area of fifteen to twenty acres, with an average thickness of six inches. It is of a dark color, and rests on peat and tremulous muck or decayed vegetable matter.

Bog Ore of Kalamazoo.

This ore is chiefly of a light yellow color and occurs mostly in masses of several pounds weight, but also in the form of shot and ochre. It occurs in separate beds forming ridges, and these beds vary from a few rods to several acres in extent, over an area which may be estimated at from eighty to one hundred acres. It varies from a few inches to four feet in thickness. This ore is situated on and contiguous to the banks of the Kalamazoo river, and from half a mile to one and a half miles from the village of Kalamazoo. This is the most extensive and valuable deposite of bog ore I have examined in the state. It is well situated and will warrant the erection of an extensive foundry for its reduction. An analysis of one hundred grains of this ore gives the following mean results:

	Grains.
Peroxide of iron,	78.45
Silicia and alumine,	7.95
Carbonate of lime,	1.10
Water,	12.50

Kidney Iron Ore.

The stratum in which this ore is imbeded appears in the slightly elevated bank of Nottawa creek, on section twenty-four, in the town of Athens, Calhoun county. In character and quality, this ore is not unlike that at Union city, Branch county. The clay in which it occurs is well adapted for the manufacture of brick or pottery.

Gypsum.

Gypsum or plaster, occurs in Kent county, forming the bed and banks of Plaster creek, near the junction of that stream with Grand river. It makes its appearance at two or three places in the banks of the stream. After a careful examination of the surrounding country, I am led to conclude that this mineral exists in distinct beds extending at intervals, over an area of several miles. The precise limits I was unable to define on account of the almost universal covering of sand and gravel, by which it is concealed from view. The beds of gyp-

sum rest upon, or are embraced in the limerock of this district, and are surrounded by a gypsous marl, usually of no very great thickness. The gypsum is of the fibrous variety, and is well adapted to all the uses to which this valuable mineral is applied, and it cannot fail to prove of inestimable value to the agricultural interests of the surrounding country, as well as to the other parts of our state.

ROCKS.

The rocks of the counties under consideration, are not numerous and these are so universally enveloped by the diluvium as to present but few points which allow of satisfactory examinations.

They may here be considered under two divisions; the rocks which overlie or which are associated with the coal, and those which lie below the lowest of the coal beds. The latter division occupies the south part of Jackson, the south part of Calhoun and a large part of Kalamazoo counties; as well as a considerable portion of the adjacent counties on the south, which are comprised within Mr. Hubbard's district, and were examined conjointly with him. As the series comes more fully to view in the latter district, and in order to avoid repetition, it has been deemed advisable so to blend the reports as to leave to Mr. Hubbard the full consideration of all the rocks lying below the coal.

The coal bearing rocks included in the first division, embrace a series of alternating layers or apparently irregular beds of sandstone, shale, coal and limestone, holding the following order of place:

1*st*. *Upper coal strata;* consisting of layers of coal, shale and sandstone.

2*d*. *Limestone*; found in limited and apparently irregular beds.

3*d*. *Sandstone;* light grey and red.

4*th*. *Lower coal strata;* embracing as above, alternating layers of coal, shale and sandstone.

These will be treated of separately in ascending order, commencing with the strata which are found *next overlaying* the coarse, quartzose sandrock, mentioned by Mr. Hubbard as occupying the highest place in the series of rocks embraced in his report.

I shall preface my remarks on the lower coal strata, by some observations on the range and extent of the coal formation of this state.

The result of my labors in tracing the extent of the coal basin during the past season, has been more satisfactory than I could have anticipated, when the many obstacles that constantly retard such examinations are taken into consideration.

The thick mass of detrital matter which covers a large portion of the rocks of the coal bearing group, is an effectual barrier to examinations of their character except at those distant points where the several rocks make their out-crop. The rapidity with which many of these rocks disintegrate and become covered with debris not unfrequently so effectually conceals them from view as to leave us in many places ignorant of the underlaying strata, except so far as deductions may be drawn from general principles. These are a few of the difficulties that I have had to contend with in reducing to any thing like accuracy the general results of the scattered local information collected.

In conducting these examinations, I found it necessary to pass over parts of the country previously examined, in order to determine with more accuracy the probable limits of the coal basin.

These examinations have led to the conclusion that the coal basin extends over a much larger area than had before been assigned to it. Most of this basin is so covered with the superincumbent strata of sandstone, sand and gravel, as to prevent the "working" of the beds, at very many points, except by the sinking of shafts for that purpose.

RANGE AND EXTENT OF THE COAL BEARING ROCKS.

The following is the nearest approximation that our present knowledge of the subject can furnish towards the extent of the coal series of rocks in the counties under consideration. The rocks of the coal-bearing group, in their most southerly extension, occur at Napoleon, Spring-Arbor and Concord, in Jackson county; and at Albion, Calhoun county. From thence the line of junction between these and the rock below, passes through the town of Marengo, and the north part of the town of Marshall; thence it continues westerly through the town of Pennfield, into Barry county; through which county the line of junction has not been traced. Rocks of this group are again met with at the rapids of Grand river and its vicinity.

On the east, the group of rocks appears in the towns of Leoni and West Portage, in Jackson county; and in the north-east corner town of Ingham county, in the bed and banks of the Red Cedar river.

Beyond this it has not yet been carefully traced, but its boundary is known to stretch north-easterly across the Shiawassee and Flint rivers, including the village of Shiawasseetown, Corunna and Owasso, within the basin; while the village of Flint, in Genesee county, will probably be found to fall a short distance without, and south-easterly from it; thus bringing within the limits of the coal rocks, parts of Genesee, Shia-

wassee, Ingham, Jackson, Calhoun, Barry and Kent counties, and probably the whole of Eaton, Ionia and Clinton counties.

LOCAL DETAILS OF THE LOWER COAL GROUP.

Jackson County.—In the N. E. corner of the town of Spring Arbor, along the valley of Sandstone creek, the coal makes an out-crop, owing to the removal of the superincumbent rocks, and has only a slight covering of diluvial sand and gravel. This coal was exposed in digging for the foundation of a mill, on section one, and an amount estimated at one thousand five hundred bushels has been raised. The influx of water from the creek prevented those engaged in the work from sinking through the bed; it was, however, penetrated at one point, to the depth of three feet. This coal has been used in smithing, and found to answer a good purpose.

This is probably the lowest stratum of coal in the state. There can be little doubt that the bituminous shale discovered at Jackson, belongs to the lower coal stratum, and that coal might be procured at that place by sinking a shaft.

The embraced beds of coal appear to thin out as we approach the south edge of the basin; thus, a well, three-fourths of a mile north from Spring Arbor, has exposed, at a depth of fifteen feet, the lower bed of coal reduced to a thickness of about nine inches.

Calhoun County.—Although no coal *in place* was met with in this county, the neighborhood of the coal bed is indicated at a few points. Thus, at Albion, I was led to this impression by the presence of its associated sand-rocks, and of coal thrown out of the stream in the bursting of the mill dam on the Kalamazoo, as also by the loose angular bits of coal found imbeded in the soils.

In the town of Pennfield, I observed several large angular pieces of loose coal taken from Battle creek. These evidently had not been transported far, and thus I inferred an out-crop of the coal bed farther up the stream.

Ingham County.—In the north-east corner town of this county, the coal crops out in the banks and bed of Red Cedar river. Here it is embraced in a succession of shales and friable sandstone, which constitute an overlaying bed of from five to ten feet thick. After penetrating to the depth of more than two and a half feet, I was compelled, for the want of suitable implements, to abandon farther investigation, without having ascertained its full thickness. The coal at this point is very accessible, and must, ere long, prove of great importance. It is situated on a stream that may be made navigable for flat bottomed boats and perogues, with comparatively small expense, during a considerable portion of the year, and opening a direct communication with lake Michigan.

LIGHT GRAY SANDSTONE.

The rock found next, superimposed upon the lower coal group just described, is a sandrock, mostly of a coarse quartzose character, and of grey or yellow color. It is distinguished from the quartzose rock further south, and which lies below the coal group, by its containing impressions of the coal plants. It is rather friable when first quarried, but hardens by exposure. In the vicinity of the village of Jackson, clay iron-stone is disseminated through the upper parts of this rock, but not in sufficient quantity to be of any practical value. Impressions of plants, chiefly referable to the genera Lepidodendron, Stigmaria and Calamities, together with thin masses of carbonaceous matter, were noticed at quarries both north and south of that village.

It is of this light grey sandstone that the penitentiary and court-house at Jackson, are built.

Numerous kettle shaped excavations, similar to those produced by pebbles when set in motion by the action of a strong current, occur in this sandstone, and not unfrequently at a distance from the river, and at an elevation of some twenty to thirty feet above it. Similar excavation were noticed in the lower sandstone series, at a considerable elevation above the Kalamazoo river, near the villages of Marshall and Marengo, Calhoun county.

This rock occurs more abundantly in such situations as to admit of being economically quarried, in portions of the counties of Jackson, Calhoun, Eaton, Ingham, Shiawassee, Clinton and Genesee. When first quarried it is, as before stated, rather soft, but it soon hardens upon exposure, and forms a durable material for building, when not employed in such situations as to expose it to excess of moisture. In many places it also furnishes a good material for the manufacture of grindstones.

UPPER LIME ROCK.

This rock usually appears at the surface, in detached beds, extending over an area varying from a few acres to two or three sections in extent, and having a thickness, so far as could be ascertained, varying from one foot to sixteen feet. It is superimposed upon and usually appears near the outcropping edge of the light colored sand rock. This lime rock usually occurs in flat, irregular masses, and with but slight marks of stratification; most of it, when burned, produces a superior lime, and some portions will afford a good building material. The rock is usually of a light grey color, and exceedingly compact, but it varies in composition, some of the thinner portions, partaking of an arenaceous character. Although numerous perforations of lithodomus molusca were observed in

the less arenaceous portions of the rock, I was unable to find any perfect specimens of fossils, except in the most sandy portions. The greater number of these were found at Bellevue, Eaton county, and the Grand rapids, Kent county.

This limerock was noticed on the sections designated in the counties as follows:

Jackson County.

Town of Spring Arbor, on section eight, nine, eleven, twelve, seventeen and twenty.

Town of Sandstone, on section thirty and thirty-one.

Parma, on section twenty-three, in low land.

The limestone was examined on sections one, twelve and thirteen, town of *Jackson*, where it has been extensively used for the manufacture of quick lime.

West Portage. The limestone occurs on sections six and seven.

Eaton County.

The limestone occurs in the town of *Bellevue*, on sections twenty-seven and twenty-eight, where it is extensively burned for quick lime, to supply the surrounding country.

The out-thinning edge of the lime rock was seen superimposed upon a friable sand rock, on section nineteen, town two north, range five west, having a thickness of about twelve inches.

Kent County.

The lime rock is again seen on the west part of the state, at the rapids of Grand river, a point where, judging from the general inclination of the strata, its outcrop would be looked for. It is here identified with the rock of Bellevue, Eaton county, by its contained fossils and composition. Lime is manufactured from the rock at this place, for the supply of the surrounding country.

LOCAL DETAILS OF THE UPPER COAL GROUP.

On comparing the results of my examinations of the two past seasons, it is apparent that the north part of Eaton county, described in my report of last year, and parts of the adjacent counties, are occupied by alternate beds of sandstone, clay shale, coal and argillaceous iron ore, which are wholly wanting in the more southern counties. This gives a greater thickness to the coal basin than had before been supposed, and also proves what has been previously suggested, that the Grand and Maple rivers, and the Tittabawassa and its tributaries, occupy the synclinal line of the state, thus accounting for the most copious saline springs being found through that range of country.

The subjoined sections will serve to show the manner in which the coal occurs, associated with the shales and sandstone in the upper coal group.

Section of rocks near the mouth of Grindstone creek, Eaton Co.

	Thickness. ft.	inch.
1. Soil,		
2. Brown sandstone,	8	0
3. Argillaceous iron ore,	0	7
4. Sandstone,	3	0
5. Argillaceous iron ore, (in beds,)	0	5
6. Slaty sandstone, containing impressions of plants and coal,	9	0
7. Coal,	0	10
8. Friable slaty sandstone,	5	0
9. Coal,	1	8
10. Sandstone containing impressions of plants, occupying the bed of Grand river,		

The strata of this rock are not continuous, but soon blend together, and are seen at no great distance, to embrace thick beds of bituminous clay shale, and thin layers of coal, the whole having a north-east dip.

About one mile from the mouth of Grindstone creek, the coal appears near the surface, having only a thin superficial covering of soil and broken sandstone.

Section of rocks taken on Coal creek, eighty rods above its junction with Grand river.

	Thickness.
1. Soil,	6 ft.
2. Sandstone,	6
3. Dark blue clay,	4
4. Bituminous clay shale,	2
5. Dark colored shale,	2
6. Blue clay shale,	6
7. Dark colored clay shale,	4
8. Dark gray shale, embracing beds of coal, extending beneath the bed of the stream, exposing, however, a thickness of	20

The associated shales do not appear to be continuous strata, but only occurring in beds embraced as before mentioned, in the upper portions of the coal series.

Clay shale analagous to this, occurs in township three north, range four west, section twenty-two, in the bed of a small stream. Associated with this clay shale last mentioned, are angular blocks of coal and sandrock.

RED SANDSTONE OF IONIA COUNTY.

This rock is well characterized, and is unlike any other rock met with in my district. It crops out on the south side and in the valley of Grand river, on section twenty-two, (township seven north, range six west) on the land of Mr. Dexter. The rock is of a red color, and composed of quartzose sand, slightly cemented, hardens by exposure, and affords a good building material. The quarry has been but partially opened. I was unable to find any traces of fossil plants.

This rock was again met with in the east of this county and the west of Clinton county, in the bed and banks of Looking-glass river. At this out-crop, the rock is more variegated, being filled with white spots and streaks, but in other respects it is not unlike the rocks previously described.

This rock may be regarded as occupying a place intermediate between the upper and lower coal bearing rocks.

VAN BUREN, ALLEGAN AND OTTAWA COUNTIES.

General Remarks.

The topographical character of these counties varies from that of the counties before described, in comprising no part of the high dividing ridges, and in being included in the more level districts which border on lake Michigan.

The country is high and gently rolling, with the exception of a narrow tract of land on the lake coast; this tract being occupied by a series of recent sand dunes, or hills, varying in height from twenty to two hundred feet. Many of these are composed of sand which is constantly shifting its place from the action of the wind. Such are nearly destitute of vegetation, while others have become stationary, being clad with a stinted growth of pine, and in some instances with oak, hemlock, beech, &c.

These counties are chiefly heavily timbered with pine, beech, maple, lynn, whitewood, ash, hemlock, oak, &c., interspersed with oak openings, plains and pine barrens.

Most of that portion of Van Buren county lying south of the Paw Paw river, and a portion of the eastern townships of Allegan county, consist of oak openings and plains.

SANDSTONE OF VAN BUREN COUNTY.

Sandstone occurs on the line between Van Buren and Allegan counties, in town one south and one north, range fourteen west. It exhibits a very compact texture, is of reddish grey color, and is composed of quartzose sand, with a sparse intermixture of mica. It occupies a slightly elevated knob, having an area of fifteen to twenty acres, and occurs in large angular blocks. As the quarry has not been opened, it was impracti-

cable to ascertain any thing further of importance respecting it, than its composition and general character. I am unable, therefore, to refer to its place in the sandstone series.

CRAG OR CONGLOMERATE ROCK.

Formations of conglomerate were noticed near the village of Richmond, and on Maskego lake. The conglomerate near Richmond, is apparently extensive, and occupies the sides of deep ravines; in some, appearing not unlike ledges of sandstone, forming mural escarpments many feet in height. From this general resemblance, it has been mistaken by the citizens for the sandstone formation.

It is composed of fine and coarse grains of quartzose sand very strongly cemented with calcareous matter.

The conglomerate of Maskego lake is but slightly elevated above the water, and is composed of coarse and fine sand and pebbles, united with calcareous cement.

This rock, which is of recent formation, resulting from causes now in operation, is of a purely local character, and the circumstances under which it occurs, do not admit of determining its extent.

CLAY.

A red marly clay was observed in Van Buren, Allegan and Ottawa, underlaying a considerable portion of the complete counties, and only making its appearance occasionally at the surface, being mostly covered with sand and gravel, together with some scattered boulders. Clay apparently of the same kind was also seen at the forks of the Maskego river, Montcalm county. This clay bears a strong analogy to that forming the coast of lake Michigan in the vicinity of sleeping Bear, also on the west side of Grand Traverse bay, as mentioned in the report of the state geologist of last year.

This clay has calcareous matters disseminated through it in veins, and is generally free from gravel. It may be considered as belonging to the tertiary deposite, and was the only clay observed in these counties.

Two miles south of the mouth of Kalamazoo river, and at a brick yard half a mile north of the village of Allegan, this clay rests on a blue semi-indurated sand. At this place the clay has a thickness of not far from fifty feet.

Near the village of Richmond it was seen alternating with fine light colored sand. Much of this clay is very unctious and free from grit. This clay was also seen at several places on Maskego lake and rivers, as a sub-soil to a light siliceous soil.

This red marly clay will afford a good manure for the sandy lands.

Sands.

Nearly the whole western coast of these counties in the vicinity of the lake, is bordered with a succession of *sand dunes* or hills of sand.

This sand is chiefly composed of grains of quartzose sand, with a mixture of feldspar, hornblend, magnetic oxyde of iron, &c.

A blue semi-undurated sand, as I have before observed, was noticed underlaying the red marly clay. This sand contains considerable calcareous and argillaceous matter, and is composed of fine grains.

It is to this sand that the rapid abrasion of the lake coast south of the mouth of the Kalamazoo river may be attributed.

LOCAL DETAILS OF MARL.

The great profusion in which this deposite is distributed through the counties of Van Buren, Allegan and Ottawa, is deemed a sufficient reason for noticing only a few of the most extensive deposites.

On sections twenty and twenty-one, half a mile north-east from Mr. Newell's steam mill, on Maskego lake, is a very extensive deposite of shell marl that may be profitably used as a manure on the sandy lands of that vicinity.

Extensive deposites of shell and tufaceous marl, occur in the valley of Kalamazoo river, on sections nine, ten, sixteen and seventeen, township three north, range fifteen west, of more than one hundred acres. Also on sections sixteen and seventeen, township four north, range sixteen west, there is a deposite of shell and tufaceous marl occupying an area of more than seventy-five acres.

A very extensive deposite of marl was examined on sections sixteen and seventeen, township three north, range thirteen west. Some portions of this marl are found to contain too much iron ore to make good quick lime. Care should therefore be had in selecting that portion of the marl which is free from this mineral.

On sections thirteen and fourteen, township two south, range thirteen west, marl of a good quality occurs.

SALINE SPRINGS.

Several saline springs and deer-licks were examined in the valley and vicinity of Maskego river. The most copious springs occur on the low alluvial land of the stream, where at the time of the examinations they were mostly inundated.

On sections three and four, township ten north, range fifteen west, are several weak saline springs, which occur in extensive low lands.

My guide informed me that the Indians were formerly in

the habit of resorting to these springs for the purpose of making salt.

Also, on section fifteen, township nine north, range fifteen west, are several springs that show the presence of saline matter.

On section thirty, township nine north, range eight west, is a spring yielding a very copious supply, and which may be placed in the second class of the saline springs of the state.

The above are a few only of the springs noticed in the country north of Grand river.

BOULDERS.

Limestone boulders of very large dimensions were noticed in the different counties. In township one south, range fourteen west, was observed a limestone boulder of several tons in weight, that had been mistaken by the inhabitants for rock *in place*. It is sub-chrystalline, and of a milky white color, and contains a few imperfect fossils.

Near the mouth of the Kalamazoo river, several very large boulders of blue limestone were noticed, which had been mistaken by the inhabitants for rock *in place*, and a kiln erected for burning of lime. The rock when burnt, furnished fifteen hundred bushels.

Boulders of the primary rocks are more rarely met with in the west part of these counties, than in the more central portion of the state.

Under this head of transported boulders, I would barely refer to the immense accumulation of the central nodular masses of clay iron-stone which occur in the vicinity of Richmond. These masses are found distributed through the soil, and accumulated in the ravines and beds of the small streams.

I have thus laid before you so much of the information collected in the district assigned me, as is compatible with the limits of an annual report, and such as may seem to be of the most immediate practical utility. It being presumed to be the main object of these annual reports to lay before the people of the state such practical results as they may profit by, while the work is in progress, and before the complete embodying of the somewhat disconnected mass of materials in the final report.

C. C. DOUGLASS,
Assistant Geologist.

Report of B. HUBBARD, *Assistant Geologist.*

Detroit, January 12, 1840.

To Dr. DOUGLASS HOUGHTON, *State Geologist:*

SIR—In compliance with your instructions, my time during the past season, has been devoted to a detailed examination of the southern range of counties, and of so much of the counties east of the principal meridian as could be accomplished before the setting in of winter. The counties completed, and on which I have the honor to submit the following report, are *Lenawee, Hillsdale, Branch, St. Joseph, Cass, Berrien, Washtenaw, Oakland and Livingston.*

A report on the counties of *Wayne* and *Monroe*, was submitted you last season.

These examinations have embraced the collection of all facts of a geological and agricultural character which could serve to illustrate the capabilities of the soil, and the general wealth and resources of the country.

More than one hundred varieties of soils for future analysis, and specimens illustrative of all the rocks, have been added to the state cabinet.

In connection with these objects, I have been able to fill up the *skeleton maps*, furnished by the state topographer, of each town in the several counties, in such a manner as to afford at once a complete view of the soils, timber and topographical details, courses of streams, village and mill seats, and all recorded roads of the townships; to correct errors in streams and lakes, arising from inaccurate surveys, and to plat a great number of lakes, streams, &c., which were altogether omitted in the notes of the original surveys. These are now in readiness to be applied to the reduced scale adopted for the county maps. When the arduous nature of the labor thus assumed, in addition to that constant attention required by the minute investigations in the geology proper, is considered, I trust you will sufficiently appreciate the difficult character of the work.

You will necessarily perceive, that in a report embracing the investigations made over so extensive a district, it is manifestly impossible to include more than a very small portion of even the purely practical information collected, without swelling the report to a much larger bulk than would at this time be desirable. I have therefore selected the most prominent details only. A transcript of my field-notes will be placed in your hands for such general reference as may be important hereafter, for obtaining greater minuteness and accuracy of information.

TOPOGRAPHICAL FEATURES.

The leading characteristics of the surface of the peninsula, were treated at large in the report of the state topographer, of last year. By reference to that able document, it may be seen at once, what relation the counties mentioned, have to its distinguishing features. "It appears," says his report, "that there is a swell of land which may be called the true *watershed*, running from Pte aux Barques south, 45° west, and passing out of the state into the north-east corner of Indiana, about equi-distant from lakes Erie and Michigan. It attains its greatest elevation in Hillsdale county, seven miles east from Jonesville, where it is 633 feet above the surface of lake Michigan. Its summit, on the central railroad, at the division line between Jackson and Washtenaw counties, fourteen miles east of Jacksonburg, is 437 feet. In the village of Pontiac, in Oakland county, it is 336 feet. It then again rises, and at the head waters of Belle river, in Lapeer county, is 414 feet. From this point it gradually falls off, and with a few rills, descending on its north and eastern slope, sinks to the level of the beach of the lake."

The summit-level of this swell is frequently comprised within two parallel ranges of knobs, or conical hills, generally elevated above the intermediate space, and occasionally taking a somewhat mountainous form; the peaks having an altitude above the actual surveyed levels of 100 to 300 feet. But such peaks occur in the range only at distant intervals.

In the north-west corner of Washtenaw, these parallel ranges are very conspicuous, including a breadth of four or five miles, and have received the name of "Short Hills." The intermediate surface is very rolling and broken, with remarkable basin-shaped depressions. Beyond the ranges of elevated cones which bound the Short hill district, the country continues broken for about a mile, and then subsides to a gently rolling or undulating surface.

Upon this summit level of the peninsula, are situated the greatest proportion of those small lakes, which are so common in the landscape of Michigan, and in these, most of our streams originate.

Similar rolls of land, of much less altitude, but having the same general direction, give an occasional broken aspect to the country for some miles, after descending from the summit. In the main, the surface should rather be classed as undulating than rolling, beyond this peculiar elevated district.

Plains and small prairies, having no apparent order of place, are common, particularly in the counties of the southern range, west of the dividing ridge. Some of these have a perfectly plain surface, as Pigeon prairie; others lie in gentle swells, like

the prairie of Nottawasepe; while others partake of the rolling character of the country adjoining, as do most of the prairies of Cass county.

Extent of Timber.

A continuous tract of heavily timbered country occupies the eastern, and a large part of the southern border of the peninsula. Within this tract, "openings" and plains are found only over limited areas; without it, heavy timber occurs only in isolated tracts.

Commencing on Shiawassee river, the line of timber passes through the southern part of Genesee county, the south-west part of Lapeer, and the western part of Macomb; thence by south-west course through the southern part of Oakland, and eastern of Washtenaw; thence bending westerly, it continues in a very irregular course through Lenawee, Hillsdale and Branch, when it turns to the south and enters Indiana.

A large tract of heavy timber enters the counties of Berrien and Cass, from the west, and skirts the lake through nearly the whole of Berrien.

Soils.

The soils throughout the districts examined during the past season are so varied, as well as so independent of the rock formations, that no classification of them is admissible. The nature of the deposites which constitute their base will be noticed under the observations on the *geology* of these counties.

Extensive collections of soils were made, of which it is designed to give a systematic analysis when the collections of all the soils of the state shall be complete. Many of these soils have the appearance of barrenness, which, from the salts contained, are, nevertheless, eminently fertile, and unrivalled for the production of the grains most important to man.

Scenery.

The stern rules of science may seem to compel the geologist to take little note of the merely picturesque features of the landscape, yet called as he is to view them in their wildest character, he cannot be altogether insensible to the grandeur and majesty, or the variety and bloom of nature. The sublime mountainous scenery of the eastern states has been often and justly dwelt upon with admiration, by both the geologist and the traveler. Little of the peninsula scenery partakes of the grandeur of primitive and more broken districts, but none can fail to notice one superior charm, which more than compensates, in the eyes of those who are content to overlook the romantic aspect of the land, for the consideration of its solid bounties. To the cultivator of the soil every consideration which its picturesque character presents, will yield before the more practical one of its fertility.

But few could have traversed the varied portions of our state, over which my duties during the past season have led me, and compare their rich scenery with that of more eastern lands, with any feeling of disappointment. The ordinary character of the "openings" is that of a majestic orchard of stately oaks, which is frequently varied by small prairies, grassy lawns and clear lakes. These magnificent groves were, until within a few years, kept free from under-brush by the passage through them of annual fires, allowing successive growths of herbage to spring up luxuriantly, covering the surface with a profusion of wild flowers and verdure.

The variety so essential in a landscape, of woodland, glade and sheets of water, are here combined in a manner which seems the result of art, but which is not less truly inimitable. It is difficult to resist the impression that we are surveying an old abode of civilization and of tasteful husbandry. It resembles those exquisite pictures of park scenery, where the vision roams at will among the clumps of lofty oaks and over open glades, gemmed with flowers; while the distant woodland bounds the horizon, and the velvet-skirted lake gleams upon the eye as it reflects to light from the open prairie, or is faintly visible from the bosom of the glen, reposing in silent loneliness.

Such scenes, it is true, are destitute of the rough majesty of mountain aspects, but they have that all-pervading, tranquil *beauty* which forsakes the lofty hill side and the hoary cliff. They present nature in her simple loveliness, without her stern aspect and masculine attire. She has bestowed her blessing upon the land, and spread over it her robes of beauty.

The limits of an annual report, prevent more than this very meagre notice of some of the characteristics of our peninsula scenery.

GEOLOGY.

Before entering on a description of the geological structure of the southern counties of our state, it may be useful, for a more general comprehension of the subject, to premise a few leading facts relative to the geology of the western states generally.

It is well know to those acquainted with the geological character of the states west of the Alleganies, that a large portion of that vast country, designated as "the valley of the Mississippi," is limerock,—the transition, or sub-carboniferous limestone of European geologists. This extensive rock formation may here be traced over more than a million square miles.

A distinguishing feature, and one which gives character to this whole country, results from the fact that this and its superincumbent rocks have been thrown, by some uplifting force,

from a horizontal position, and made to assume the form of vast undulations, like wave following wave. Several immense and distinct basins are thus produced, the sides of which *dip* towards the centre, but at an angle so small as seldom to exceed the fraction of a degree. This characteristic basin form is still farther preserved by the circumstance that frequently the overlaying rocks, (which embrace the carboniferous formation, or *coal measures*,) have been removed from the ridges of these wave-like undulations, or at least are found occupying only the interior of the basins. In following, therefore, from these ridges of limerock in direction of the dip, we come successively upon the next overlaying rock, till we reach towards the centre, the highest rock of the series.

It must not hence be inferred, that the topography of the country always conforms to this basin-like condition. On the contrary, the centre of the basin may be either higher or lower than the extremities, or be cut across by streams, or present an irregular and hilly aspect. The dip and order of succession of the rocks, however, remains the same.

We have thus premised so much of the grand features of the geology of the great valley country, as to render intelligible to the general reader, the remarks which follow, on the rock formation of the above named counties.

Great difficulty has been experienced in conducting the details of geological examinations, necessary for arriving at general results, from the circumstance of the face of our rocks being almost universally covered with a thick mantle of diluvium. This diluvium consists in part, of the detritus of the upper portion of our coal series, which has been broken up and washed away, and in parts, of sands and fragments of the primary rocks, transported from a more northerly region. Owing to this, the rocks of the carboniferous group but seldom make their appearance at the surface, and the country being little broken by ravines or deep water courses, the outcrop of the rock is not frequent even where we would be led most to expect it. On this account, I have been compelled to inquire out and examine the deepest wells, and the most important results have been obtained in this rather unsatisfactory manner. This circumstance has not only prevented my defining the variety of rock strata with perfect accuracy, but renders it not improbable that strata which actually exist *in place*, were not discovered, in consequence of the thick covering of transported materials. Thus, the rocks which intervene between the great limerock formation and the iron formation of the carboniferous series, (including the shale stratum and sandstones of the Ohio geologists, and the black slate and limestones of Indiana,) are either entirely absent from the southern border of

the coal basin of Michigan, or were not visible after the strictest search.

With this qualifying observation, I shall proceed to a brief description of the strata, as far as they could be determined, within the district assigned me.

I. LIMEROCK.

The limerock of the south-eastern part of the peninsula, and whose outcrop is seen on the western coast of Lake Erie, is a portion of the great formation described above. Its place is higher in the series than the blue limestone and shales of Cincinnati, but below the black slate, and without doubt is equivalent in position to the "cliff limestone," of Indiana. Inland from the lake the limerock makes outcrops at numerous points, which are found to be in distinct ranges, having a direction north-east and south-west, across the counties of Monroe and Wayne, and dipping north-westerly.

That portion which occupies the more easterly range is a compact rock, of a color varying from light grey to blue, sometimes veined and occasionally oolitic, and is well characterized by its distinctive fossils. In some portions of it crystals of sulphate of strontian are abundant.

The highest portion of the limerock formation, seen through the western part of Monroe county, is somewhat sparry, geodiferous and bituminous, and characterized by a few fossils of different species.

Intermediate between these two portions of the formation, in this county, is a very siliceous rock, approaching in some instances almost to pure sandstone. It is composed of quartzose grains, easily disintregating into a beautifully pure and white sand.

As the limerock of Monroe and Wayne was fully described in my report on those counties, of least year, I shall avoid a repetition of *local details.*

Economical considerations.

It will be perceived, by reference to the report alluded to, that this portion of our state affords a very great abundance of limestone for several important practical purposes.

Quick-lime is extensively made and supplies the wants of this section of country. The limestone which occupies the highest range, (and from which lime is made extensively in the Macon reservation,) has been described as strongly *bituminous.* This character of the stone, owing to a chemical action which takes place in the kiln, renders it very superior for the above purpose. When brought to a read heat, the carbonaceous matter begins to re-act on the carbonic acid, which is a constituent of

limestone, and converts it into carbonic oxide, which having no attraction for lime is driven off, leaving the lime of a pure white, and perfectly caustic, with less consumption of fuel and in less time than is required by any other limestone. Being porous, it falls into an exceedingly fine powder by water or exposure; a quality which renders it particularly valuable to the farmer or builder.

Water-lime. By experiments made "in the small way," it appears highly probable that some of the strata in the limerock quarried near Monroe, (which holds the lowest place in the limerock series described,) may be tolerably well adapted for a *hydraulic lime.* Should this conclusion be verified by trial in a larger way, this stone will prove of very great importance to the state. For this purpose, the dark blue and the vesiculated or oolitic strata will probably be found best adapted; and in making the experiment, these should be separated and admitted into the kiln without intermixture of other portions.

Ornamental limestone. Some of the strata at these quarries are of dark color, and finely veined, like marble; they receive a good polish, and were the beauty of the material better known would, no doubt, be extensively used for chimney slabs and other ornamental purposes.

Sand for glass. I would again refer to the singular purity and value of the bed of white sand, occasioned by the disintegration of the very friable, siliceous limestone which is included in the intermediate portion of this series of limerocks, and which has been noticed in former reports. This bed is mostly pure silex, and under the microscope, will be seen to consist of perfect quartz crystals, free from any foreign or coloring materials. No sand in the state is so well adapted to the manufacture of glass, and for this purpose it may well be considered unrivalled. Viewing the wants of the state, in this respect, and the eligible situation of this material, six miles from the city of Monroe, this subject is strongly commended to the enterprise of our citizens.

II. KIDNEY IRON FORMATION.

In passing west from Monroe county, no rock is met with through the whole of Lenawee, it being completely overlaid and concealed by diluvium, and those thick beds of clay, which in part cover the rock in Monroe county, and over nearly the whole of Wayne, to a depth of more than one hundred feet. These blue and yellow clays are presumed to be analogous to those which cover the limerock of the adjoining states, and which have been designated by Dr. Hildreth, of Ohio, as "semi-tertiary deposites." They are found almost universally to envelope the limerock in this state as far as to the commence-

ment of the sandstone series. The great accumulation of all these several deposites may be conceived, when it is stated that a rise of two hundred feet is attained, after leaving the lime-rock in Monroe county, before rock in place is again discoverable.

The clay of the kidney iron formation, is first met with at the very southern extremity of the coal basin in Hillsdale county, town seven south, range four west. Following thence along the westerly border of the carboniferous series, the formation is to be found occasionally over limited areas, through towns six and seven south, range four west, Hillsdale county, and towns six south, range five and six west, and towns five south, range six and seven west, Branch county. In the former county, it is found in close proximity to the overlaying sandstone, but in the latter with a considerable interval between, and generally in limited bodies, which appear to be but relics *left in place*, after the destruction and removal of the greater part of the formation.

The ore consists of nodular masses, formed of concentric coats or layers of iron, combined with lime and alumine, and surrounding a hard nucleus which frequently contains fossils. These masses are often of many pounds weight. They are imbedded in a gray, micaceous clay, of very fine grain, and frequently so hard as to have the appearance of compact sand-rock. They are in general arranged in strata, alternating with the beds of clay, but are often found dispersed through the mass. This ore is analogous to that which is worked extensively and with profit in Ohio.

The clay is very free from lime, and of even texture. It is in consequence admirably adapted to all purposes of the kiln or pottery, and is far superior to any found elsewhere in the state.

As a portion of this formation, in Branch county, was made the subject of a special examination, in accordance with an act of the legislature of last winter, it will be unnecessary for me to add any thing to those practical considerations which will be as fully exhibited by you, as their importance demands.

No means were presented for ascertaining the thickness of this formation. At the village of Branch, it has been penetrated in a well, twenty-three feet.

III. FOSSILIFEROUS, FERRUGINOUS SANDSTONES.

Next overlying the clay and ironstone, in Hillsdale county, succeeds a series of ferruginous sandstones, containing numerous marine fossils. Though classed in the so called "carboniferous formation," these all occupy a position below the lowest of the coal beds, and a short distance below their associated

sandrocks, which present impressions of plants of the corboniferous era.

The following table will exhibit the order and succession of the several strata, so far as could be determined, *in descending order.*

Succession of rock strata, in Hillsdale county, occupying the southern border of the coal basin of Michigan, below the coal beds.

		Thickness.
1.	*Coarse, quartzose, yellowish gray* sandrock; occupying elevated sides of knolls. A good material for grindstones,.....	30 feet.
2.	*Ash colored or brown* sandrock, sometimes contains fossils,.....	15 feet.
3.	*Dingy green, fine grained*, strata. Occasional fossils, and with yellow ferruginous spots,.....	40 feet.
4.	Hard, gray stratum of sandrock, 6 inches to	1 foot.
5.	*Dingy green*, fine grained, interstratified with slaty sandstone, and apparently with blue clay shale,.....	15 to 20 feet.
6.	*Yellow fossiliferous* sandrock. Abounds in marine fossils,.....	20 feet.
7.	*Green*, fine grained sandrock; perhaps....	10 feet.
8.	Clay and ironstone,.....	

The stratum designated as *yellow, fossiliferous*, is remarkably well characterized, being almost a perfect congeries of fossils. The whole is of a deep brownish yellow, and sometimes a buff color. The same stratum is met with, as appears by the notes of Mr. Douglass, in tracing down the western side of the basin, in the banks of Kalamazoo river, in Calhoun county, and at a level two hundred feet lower than the same rock in Hillsdale. This difference in level, shows a dip northerly not exceeding six minutes of a degree. But this result may be considered as less than the actual amount, from the fact of the two points not being in the true direction of the dip.

No stratum precisely analogous to this has been mentioned in the reports on the corresponding formations of the adjoining states.

By reference to the general topography of the state, it will be seen that the extreme southern termination of the sandstone series, has an elevation several hundred feet higher than any other part of the basin yet examined. This may account for the superior thickness and inclination of the rocks at this point, and for the circumstance of the clay and ironstone making its outcrop here. In consequence of the greater uplift at this

point, several of the series are brought to the surface, which elsewhere are entirely concealed, owing to their more nearly horizontal position.

Most of the sandstones have been used for ordinary building purposes. The course grained rock (No. 1,) is usually found eligibly situated for quarrying, and is well adapted both for building and grindstones. Ledges of this rock occur in the town of Somerset, section seven, and Moscow, section twenty-nine, and are numerous through the southern part of Jackson county.

The included stratum, No. 4, (which is reached in general only in wells,) owing to its superior hardness, serves admirably for the above purpose.

The whole thickness of the sandstones, below the lowest of the beds which embrace coal plants, will be found to exceed one hundred and sixty feet.

IV. TERTIARY AND DILUVIAL DEPOSITES.

It has been already remarked that in general all the rocks are covered with a mantle of clays, fine detritus of the lime and sandrocks, or loose water-worn fragments of still older rocks, swept from the north by the current of a universal ocean and deposited during the general subsidence.

Some evidences of the direction of these currents were noticed in my report of last year. Among these are the diluvial furrows and scratches on the surface of the lime rock, the appearance and direction of which correspond with observations made in some of the more eastern states.

The extensive deposites of blue and yellow gravelly clays, which immediately covers the lime rock in Wayne and Monroe counties, were found also to occupy the whole of the eastern slope of the peninsula. Except in the border counties, these are overlaid by sand and gravel, to a depth probably often exceeding one hundred feet.

A corresponding clay was found bordering lake Michigan, through Berrien county, and is said to reach far out into the lake at its southern extremity.

Pertaining to, or associated with these universal deposites, are beds of clay, erratic masses of primary, transition and secondary rocks, and the more recent formations of marl, tufa, peat and bog-iron ore. To these I shall devote some separate practical considerations.

Clays.

The extensive blue and yellow clays which next overlie the limerock, are in general very gravelly, and contain also a large proportion of carbonate of lime; the blue in particular effervescing strongly in acid. It is, therefore, not well adapted for

the kiln. The upper, yellow or brown clay is the least marly and is better suited to brick manufacture. The beds are often stratified and portions may be found more nearly free from this injurious ingredient.

The presence of carbonate of lime may be detected by dropping a small bit of the clay into an acid, (strong vinegar will answer,) when, *if the clay be marly*, effervescence ensues, occasioned by the decomposition of the carbonate of lime and escape of the *carbonic acid*, which is always combined with the lime. In this way it will often be easy to distinguish such portions of a bed as do not contain lime in sufficient quantity to impair their fitness for ordinary purposes.

Beds of clay, of a few feet thickness, are often found alternating with strata of gravel and sand among the diluvium, and similar beds, occupying acres of limited extent on the surface, are frequent in the sandy soils of the openings. The latter seldom exceed a few acres in extent and generally are of much smaller dimensions, with a thickness rarely exceeding four feet.

These isolated beds of clay are almost universally *free from any injurious proportion of lime.* In this particular, they are superior to the clays above mentioned, for making a durable brick. These beds are, however, very siliceous, and indeed, partake of all the intermediate conditions, from a stiff clay to merely an agglutinated sand. Proper precautions are not always observed in this particular; for notwithstanding that sand often constitutes by far the largest constituent, an additional supply is not uncommonly added in the process of manufacture, almost to the total destruction of the adhesive property of the material. I may here observe, that *in general, these surface beds contain, without artificial mixture, sufficient sand* to subserve their purpose in the manufacture of bricks.

Erratic, Fragmentary Rocks.

Boulders of the primary rocks are found in great numbers, lodged upon the more elevated and broken parts of the country, and imbedded in the diluvial gravels. They comprise a great variety of granites, quartz and hornblende. The hilly region of Ann Arbor affords a fine locality for procuring a set of almost every variety found in the state.

Large fragments of limestone are occasionally to be met with, which have been disruptured from the transition and carboniferous limerocks of the peninsula. The largest masses of these were found near the summit of the great dividing ridge, on its eastern declivity. Several masses in the town of Somerset, Hillsdale county, are of such extent as to be easily mistaken for rock *in place*; portions only being visible from be-

neath the imbedding deluvium. I became convinced, however, by the associated fossils, that they belong to an older formation than the carboniferous rocks of the vicinity.

Boulders of this rock are so numerous in some parts of the country as to afford almost the supply of lime needed for the district.

Masses of native copper, some of several pounds weight, have been found in Berrien and Cass counties, as also in the valley of Grand river, and in several other portions of the state. These belong to the "*erratic group*," and are *no evidence of the existence of the ore* in their immediate vicinity.

The same remark will apply to the pieces of bituminous coal, found very generally, through certain districts, imbedded in the diluvium. Though they may be found at various depths and in considerable quantities, no prospect can hence be inferred of finding *coal beds* in any of the counties embraced in this report.

Springs and underground Water Courses.

The character of the diluvial strata is so varied over different districts, and the formation of surface so diversified, (which might give origin to springs under every variety of circumstances) that it is impossible to establish any general rule governing the depth and directions of underground watercourses.

Water from the diluvial deposites is usually obtained in strata of quicksand or gravel at very varying depths. But after ascertaining the general characteristics of the surrounding country, some judgment may be formed over particular districts.

A stratum of quicksand producing water, is very generally found immediately overlying the great clay deposites. In the blue clay, at the depth of twelve to twenty feet, a stratum of gravel, yielding a supply of water, appears to be almost universal.

Owing to the calcareous matter contained in the diluvial gravels and sands, as well as in the clays, the water of wells is commonly "*hard*."

RECENT FORMATIONS.

Conglomerate.

In the county of Berrien some very extensive formations of this singular rock occur. They are of recent origin, compared with all the other rocks, and both in age and formation, may be classed with the marls and tufas. A stratum of gravel, cemented with lime, appears to be very universal throughout this county, at depth of a few feet, and extensive masses,

strongly cemented, are frequently found exposed in the faces of ravines and banks of streams, appearing like ledges of rock in place.

At Millburg, eight miles east of St. Joseph, a rock of this description was traced along the bank of Blue creek, for half a mile. In appearance, it is a continuous ledge of very hard sandrock, varying in thickness from ten to fifteen feet. It consists of coarse sand, cemented by the infiltration of carbonate of lime, unbroken by seams, and which has become exceedingly hard on exposure. It may be quarried by blasting, in blocks of any required dimensions, dresses with facility, and will answer admirably for many economical purposes.

About two miles north-east of Berrien, this rock was seen under similar circumstances, in the bank of a small creek, forming an outcropping ledge, exceeding eight feet in thickness. It is found also at several points higher up the stream, and in the sides of hills in the vicinity. Portions of this ledge are of finer grain than that at Millburg, having a stratified appearance, and are disposed to cleave horizontally. Blocks have been removed and used for fire-jambs; in which capacity they have stood the test of two years' service.

Similar formations occur in town three north, eight west, section twenty-four, in town of Oronoko, at Singer's lake, and in the deep ravines east of New Buffalo. At the latter places the rock bears more the appearance of crag, being composed mostly of coarse pebbles.

The conglomerate, at all these places, is in isolated masses, of local origin, and probably does not extend many feet into the hill sides. Quarries will, therefore, eventually be found to *run out.*

"Hard pans," which may be referred to a similar origin, are not uncommon among the diluvial strata even at considerable depths. The cementing material is not unfrequently, in part, a carbonate or hydrate of iron.

A hard pan, of which the cement is no doubt lime, is found to be an almost universal sub-stratum to the rich loam of the prairies. To it the fertility of those soils may, in a great measure, be ascribed, since it serves to retain the moisture which would be quickly swallowed by the porous sands.

Possibly this fact may aid in illustrating the origin, as well as the fertility, of the prairies. This sub-stratum is not commonly met with in the openings.

Marl, or bog-lime and Tufa.

That variety of the mineral which is here designated by the name of *marl,* is chiefly a *carbonate of lime,* or lime combined with carbonic acid. It is frequently argillaceous, and mixed with earthy and carbonaceous matters. Throughout the coun-

ties enumerated, this mineral is found only in connection with the gravels, sands and clays which overlie the rocks, and may be defined as an alluvial deposite from waters which have percolated soils charged with lime. On reaching the surface, the water parts with a portion of its carbonic acid, and becomes no longer capable of holding the lime in solution, which is then deposited in the form of a pulverulent, chalky substance, in the beds of lakes or beneath the peat of marshes.

As carbonate of lime is a constituent of the covering of moluscous animals, these circumstances are favorable to the collection of great numbers of shells, so that these not unfrequently constitute even the main portion of the bed itself, which may then receive the name of "*shell marl.*"

That form of lime which is called *tufa*, has a similar origin. It differs in external character, being hard, light and porous, and is that which is familiarly known as "*honey-comb lime.*" This characteristic difference is the result of circumstances, not of composition. Tufa is formed in situations which allow access of air, when a strong union of the particles takes place. Marl being always deposited under water, or beneath the peat of bogs, the surrounding fluid prevents cohesion. This condition is that which is very commonly designated as "*bog-lime.*"

Thus, according to circumstances, we find a variety of forms assumed by these deposites, from a "tufaceous marl," in which the particles have but partially cohered, to a hard "tufa," or *travertin rock*, appearing as ledges in exposed hill sides.

All these recent fresh water limes exist in great abundance in most of the counties enumerated, as well as throughout the interior of the state. In the northern part of Hillsdale, and the counties of Washtenaw and Oakland, in particular, so extensive and universally distributed are the beds of this useful mineral, that an attempt to ascertain and enumerate all the places in which it exists, is unnecessary, if not impossible.

But notwithstanding its wide distribution, the uses, and even the existence of this mineral are so little known or heeded, even by those who have most reason to appreciate its value, that I shall adventure some remarks upon its application to practical purposes, and the method of ascertaining its presence.

For making quicklime, the value of marl and tufa is already appreciated in those parts of our state which, like the counties under review, are nearly destitute of limerock. Consequently these have supplied the deficiency, and been applied to all the purposes of the best rock lime. Though somewhat inferior in strength, the lime thus obtained is even preferred for particular purposes. It is said, for instance, to be preferable as a wash, owing to its superior whiteness. Its real value is frequently underrated from its not being sufficiently burned; marl

being erroneously supposed to require a less degree of heat than limestone.

Some of the largest deposites of tufa I have met with are formed along the banks of the Huron valley, between Ypsilanti and Dexter, at several of which, large quantities of lime are manufactured.

The circumstances which may give rise to the formation of either tufa or shell-marl, where the same source of supply exists, is here finely exemplified. Ledges of tufa occupy the elevated side of the valley; while copious springs discharging from its foot, occasion a peat morass between it and the river, beneath which is a body of soft marl several feet in thickness.

Impressions of leaves and branches of trees, and even bones of animals, are numerous in some portions of the tufa, these substances having evidently served as *nuclei* around which the particles of lime were deposited from the water of the springs; thus both giving an interesting character to the bed and illustrating its formation.

The use of marl in agriculture is little appreciated, and may even be said to be wholly unknown to the great body of the farmers of our state. Hitherto so small has been the demand for stimulant manures by soils that have been for a few years only in the service of agriculture, that few farmers have brought themselves to reflect whether before many more years, the new soils they have adopted may not become like the old ones they have forsaken.

But, although many of our soils are even found to improve under the first few years of cultivation, they must eventually wear out under a process which gives no returns for the demands made upon them. This result is already becoming perceptible upon the older farms, and their cultivators are brought to the necessity of husbanding manures to renovate their exhausted soils. Considerable quantities of gypsum (plaster) are annually imported and used with most obvious success upon soils that have not been half a dozen years under cultivation.

Gypsum and marl are constituted of the same basis, *lime* under different states of combination: *sulphate of lime*, (sulphuric acid and lime,) composing the former; *carbonic acid and lime* composing marl and the other carbonates. The sulphate, possessing greater stimulant properties, has a somewhat different and more speedy operation, but it is doubtful whether its effect be either so decided or so lasting as that of marl, if applied in the required proportion. I have to regret the inability to institute such a comparison of their several operations upon our soils as could be desired, having been unable to learn of a single instance of a fair trial of marl in the state. Notwithstanding, I do not hesitate to urge its use with full confidence, upon all

who can be pursuaded to make use of so simple a means to sustain their soils.

Besides the stimulant property common both to gypsum and the carbonate of lime, in giving increased activity to vegetation, the lime effects a change in the character of the soil itself. No soil can be considered perfect without a large proportion. Lime enters largely into the composition of many crops; such as *wheat*, which it is well known vegetates most vigorously where this abounds, as in many of the gravel and limestone soils. While a farther advantage results from the decomposition of the marl, in consequence of the separation of the animal matter contained in the shelly portions of it. In short, gypsum can hardly be productive of benefit where *marl* might not be profitably applied. Add to this, what comes home to the reason of every farmer, that while he must pay for *imported plaster* at the average rate of twenty dollars per ton, the *marl* may be had for digging.

Nature, ever bountiful, has indeed laid up in those marshes and ponds which seem, at first appearance, almost valueless, a provision of incalculable worth for her future maintenance. It may well be considered an untold treasure, stored close at hand, costing little to procure, *requiring no preparation of grinding or burning*, and which will be resorted to for years to come, to sustain and replenish the fertility of our soils. In applying this manure, we do but restore to the soil that with which it was originally endowed, since the soils themselves supplied the material of the marl beds. These seem left by nature for future restoration by the art of man, and apparently with design, are deposited in greatest abundance in the vicinity of those siliceous soils upon which they will be most needed.

If even the enormous price paid for plaster is never regretted, most certainly I may be allowed to urge the simple experiment of giving a fair trial to so cheap an article as the marl. By such actual experiment, every man, for himself, will best learn the proportions which his soils need, as well as the comparative results. Trial will, at least, furnish a satisfactory test of the truth, and we feel the more inclined to urge it from the fact, that if successful, nothing in the whole range of agricultural economy will exhibit more strongly the policy of availing ourselves of our native resources.

After this recommendation of marl, it may be expected that I advise under what circumstances to look for it. Marl is frequently to be recognized by its light ash color, about the margin and occupying the shallows of lakes. In general, the marl which is most easily obtainable, will be found overlaid by *peat* or muck of the marshes, often at a depth of several feet. Sometimes its presence, under these circumstances, is indicated by a slight coating of lime visible upon the vegetation on the

surface. The *growth* of the marl bed often causes the overlying bog to swell up into a protuberant form. But such indications are not always visible, and then trial may be made by thrusting down a pole or rod through the peat, when sufficient of the marl, if there be any, will adhere, usually, to make known its presence.

Every farmer ought to examine well his marshes with this view, and if there is reason to believe marl exists there, to test the question fully by digging.

It may be advisable to raise the marl in the fall and subject it to the action of the winter's frost, in order to bring it to a pulverized state previous to use upon the land.

Peat.

This *combustible* is found in very great abundance in most of the marshes. It is that which supports the luxuriant crop of grasses they afford, and is itself a mass of grass roots and half decomposed vegetation. This variety of peat is called *fibrous*. It is so universally distributed, and in such quantity, that my notice of it will be in general terms.

Most of the beds of peat, in this state, are comparatively shallow, seldom exceeding four feet in thickness, and they in general want that compactness which is esteemed a requisite in the peats adapted for fuel. I shall, therefore, allude only to its value and application *as a manure*.

Few soils will indure many years continued cultivation without requiring to be replenished, not altogether with mineral manures, such as gypsum and marls, but with those vegetable or animal products which afford the real sustenance to its crops. The time will just as surely come when the soils of our own state, though now fresh and unexhausted, will need the same support. The farmer will then rejoice at the opportunity to procure manures of this description, and I do not hesitate to say that *peat* will then rank among the most prominent, as it is now the most abundant.

Peat being almost wholly a mass of vegetable matter, affords precisely that which is yielded by the most fertilizing manures. But as found, it is in a more or less undecomposed state, and consequently not in that condition in which alone plants can receive it, to be absorbed into their substance. Should it be spread as a manure is often applied, its dry, spongy fibres will not readily become converted into that soluble matter which is required by the conditions of vegetable organization. To exact its full benefit, then, some art seems necessary. In the absence of actual experiment, such as would most properly determine the mode of its application, I shall only suggest the simplest means. The compost heap affords the readiest process for effecting those chemical changes which are necessary

to convert peat into nutriment for vegetation. This will be facilitated by an intimate mixture of animal and other refuse matters, and of marl or lime. With the latter the vegetable substance of peat enters into new combinations, forming certain soluble salts, which are then ready to be taken up as food by plants.

We have already seen how frequently peat and marl are found in connection, and in what abundance the latter may be procured. In peat and marl combined, we have, therefore, all that could be required to make of those numerous marshes which intersect the country, immense receptacles of vegetable nutriment. The lime performs to the mass of raw organic matter of the peat, the office which the cook does to the larder. Conjoined, they furnish both provision for the nourishment of plants, and the means for preparing it.

Some contrariety of opinion exists on the use of calcareous manures, (gypsum and limes,) from the supposition that they eventually wear out the land, leaving it poorer than before. Now such a result may happen from either of two causes, neither of which implies any injurious quality in the mineral.

1. From the too excessive use of this manure, or its application to soils, the composition of which was not understood, and where lime may have already formed an abundant element.

2. From the use of mineral manures solely, under the mistaken supposition that *they* furnish the necessary nutriment to vegetation. Now, as has just been shown, these chiefly serve to *prepare* the food which has been furnished from other sources. So far from supplying the place of vegetable and animal manures, they only render necessary fresh supplies of the latter. By giving increased activity to vegetation, they of course cause a quicker consumption of the fertilizing principles. It will thus very easily be seen from what mistaken practice this "impoverishing of the soil," by the use of mineral manures, results, and also where may be found the proper corrective.

Bog Iron Ore, and Ochre.

All our bog ores are a product of the diluvial or alluvial deposites, the mineral being originally contained in the ferruginous sands or clays. It is taken up in solution by rain-waters, and afterwards, like the marls, deposited in low grounds.

Sands highly ferruginous, and beds of sandy *ochre*, of a bright red or yellow color, are not uncommon, though in general of small extent. Some considerable beds were observed in Lenawee county, ranged along the east side of the *ridge* or beach of the former lake, (which will be hereafter noticed,) and in the same manner as we often find *iron sand* washed up and deposited by the waves. A little west of Palmyra, one of these de-

posites stretches along the beach ridge for a half a mile, having a width of a few rods, and a thickness of eighteen inches.

After much fruitless examination during the past season, I became convinced that no formations of ore exist in the counties examined, which will compare in extent with those from which iron is manufactured in Indiana, near the border of this state. Beds of it, indeed, occur, some of which may be considered as of practical value.

Although the kidney ironstone makes its appearance at several points which might have been deemed favorable to the depositing of a bog ore, resulting from the mineral in those beds, none was found associated with it. I was led to search for bog iron in this vicinity, more particularly from the circumstance that a mixture of the two forms of ore is usually made at the kidney ore furnaces, in order to facilitate smelting. Some deposites of bog iron in the southern part of Branch county, in fractional town of Algansee, are of sufficient extent to be valuable for this purpose, should a furnace be established, at the kidney ore beds of that county. One of these deposites was traced over more than an acre.

Along St. Joseph river, in St. Joseph county, small beds of ore and ferruginous sands were found, and also in town five north, range ten west, section nine. These are mentioned, as they may be of value from their vicinity to the beds of kidney iron in this part of the state. But should it be ascertained that the chief benefit of a mixture of the two ores results from the carbonate of lime supplied by the former, the *marl beds*, which abound throughout this district, will furnish a ready and cheap flux to facilitate the operations.

The most considerable beds of bog iron ascertained during the past season, were in *Oakland county*. The following are worthy of notice:

In the town of Lyon, section thirty, a good lively ore is found, occupying in the whole, several acres.

Town of Orion, section twenty-four, deposites were traced at intervals over an extent of twenty acres. The richest and most abundant form of the ore was in the state of a yellow ochre.

In the town of Groveland, numerous beds of ochre are collected around the heads of Duck creek, and are frequent over an area of half a square mile.

In *Washtenaw county*, bog ore has been found at several places in town of Augusta, and considerable beds of red ochre in town of Sharon.

The ochres may serve a very good purpose as an ordinary red or yellow paint. This may be obtained in a cheap manner, thus: stir the sand in water, then after allowing a few

minutes for the siliceous grains to settle, pour off the liquid and obtain the colored sediment which is held in suspension.

ANCIENT LAKE RIDGE.

At about twenty-five miles, inland, from the shore of lake Erie, and following a nearly parallel course to the lake and Detroit river, a *low, gravelly ridge* may be traced, corresponding in its character to that upon which the celebrated "ridge road" runs, along the southern shore of lake Ontario. Except where broken through by streams, this ridge is very continuous, and of nearly uniform size; so much so indeed, that I have been able, without difficulty, to distinguish it from all ordinary undulations of surface at whatever point it has met my observation, and to trace its course for more than sixty miles.

The ridge has a breadth of several hundred feet, and rises with a gentle curve into a somewhat conical form, to the average height of about twelve or fifteen feet above the flat lands on the lake side. It is composed of layers of course and fine gravel and beach sand, reposing upon the clays which constitute the sub-soil of the contiguous country.

From its resemblance to the beaches bounding the waters of the present lake, as well as from the relative character of the country on either side, no doubt remains in my mind that this ridge once constituted the boundary of an immense expanse of water, which became afterwards circumscribed to the dimensions of the present lakes.

The assent of the land on the lower or lake side is much more gradual and uniform than on the upper, and the "ridge" may be said to form here a boundary to that belt of level country which borders the peninsula. This belt of land, as already described, is mostly clothed with a dense growth of timber, and a dividing line drawn between this and the light growth of the sandy openings very nearly corresponds with the course of the ridge.

The elevation of the ridge, its uniformity, and the gravel of which it is composed admirably adapt it for a highway. Roads have consequently been run upon it through a large part of its course in Wayne county, bearing north-east and south-west, from the village of Plymouth, and also through town of York in Washtenaw county, to Ridgeway in Lenawee.

Divergences sometimes occur in this ridge, like those described by Mr. Hall, in the geological report of New York, for 1838, and the branches again unite; or after being diverted by the valleys of entering streams, it again resumes its former general parallelism to the present shore of the lake.

The state topographer of Ohio, Col. Whittlesy, mentions the fact of a "succession of low, gentle undulations, like a broad turnpike or wave, running parallel to the shore" of lake Erie,

in that state. He says they vary in number from one to three, and are distant from the shore from half a mile to five miles, and he supposes that they differ in height from ninety to one hundred and twenty feet above the lake.

"External appearances," he remarks, "certainly indicate that the waters of lake Erie once stood one hundred feet higher than at present; but there is not as yet, evidence enough to decide this interesting question. It would be difficult to find natural barriers for a sea which should have elevated itself to that height."

From a series of levels, taken during the surveys of the public works of Michigan, I have ascertained the ridge to have here a *uniform elevation* of one hundred and seven or one hundred and eight feet above lake Erie, which, it will be perceived, agrees nearly with the estimate of Mr. Whittlesy. The uniformity of this elevation furnishes an additional proof of its having once been coincident with the level of the lake waters.

The proof of a former submergence of this whole country, are so abundant that the general fact seems well established. It is also plain that this *ridge* could not have been formed during that turbulent state of the waters which brought upon the rock-covered surface of the country its immense deposite of diluvium, but must have resulted from a quiescent state of the waters.

Let us then, for a moment, consider "this interesting question" solved, and proceed to inquire how far the results to which we are brought by the supposed elevation of the lake waters, one hundred and seven feet above the present level of lake Erie, accords with repeated observations made throughout the lake region. Supposing the characteristics of the land to have been relatively the same as now, the great lakes, which at present are but links of a connecting chain, would become merged in one immense irregular sea; their breadth being increased many miles on either side, while their connecting bands are lost in the wide expanse. The northern part of our peninsula becomes an island, or separated by only a narrow neck across a wide frith, following the valleys of the Saginaw and Grand rivers. The western and eastern tier of counties are flooded, and the Maumee country as far as Fort Wayne. West of lake Michigan, the spread of the waters is still wider; embracing, perhaps, with the exception of some islands, more than half of Wisconsin, and the whole of the immensely broad valleys of the Illinois, Ohio and Mississippi rivers. Upper Canada assumes the form of an island in the wide spread waste. The roar of Niagara is drowned beneath the rolling billows of a broad and deep inland ocean, having a breadth at this point of more than sixty miles. While stretching off to the east, the

waters involve a great share of Lower Canada, the whole of the Genesee country of New York, with most of its chain of lakes, and a communication is made with the ocean, both by way of the St. Lawrence, and the valley of the Mohawk.

It will be apparent, then, that the great "basin of the St. Lawrence," within which all the present basins of the lakes are included, as well as the immensely broad and fertile "valley of the Mississippi," become one continuous sea, in which whatever of the present land remains are as islands in the deep.

The difficulties which oppose this supposition are, the almost unlimited supply of water required to furnish a basin of such extent, and the want of barriers to confine its discharge into the ocean. But one theory presents itself competent to solve difficulties of such magnitude. The supply of water must have come from the ocean itself. Consequently, the surrounding and interior seas must have had the same level, and the greater elevation of the lakes relatively to the surrounding land was the result not of their increased *actual* elevation, but of the actual diminished elevation of the land itself. In other words, the land has been subsequently subjected to an upheaving force, which at last has elevated the whole far above the influence of the sea.

Whether the upheaving of the land was general at this era, throughout the continent, or was mainly operative in the region of the lakes, probably cannot be satisfactorily determined. It may be competent, however, to suppose that these apparent "lake ridges" were the boundaries of the ancient sea formed during intervals of rest in the upward tendency of the land. The comparatively quiet state of the elements, and the greater length of time for which the waters covered the extent described, will satisfactorily account for the uniformity of surface which characterizes the country bordering on the present lakes and those vast plains of the west, which were subjected to the same influencing circumstances.

There are, however, some reasons for concluding that a part at least of this area *was occupied by fresh water*, and to this supposition we shall advert hereafter.

There also exist strong reasons for supposing that the relative levels of the land did not every where remain the same, or that disproportionate elevations took place. Thus appearances warrant the supposition that at several points barriers existed to that free communication which I have assumed of the water of this inland sea with the Atlantic. If we suppose the great Appalachian range of mountains, at any of the points where it meets the St. Lawrence, to have once formed a barrier to that river, a communication through from the ocean in that direction would have been cut off. The "up-

lifts" at Little Falls, which rise 147 feet higher than lake Erie, and the "highlands" of the Hudson might also have interposed barriers to an outlet across the state of New York. A single communication only would then exist with the ocean, viz: through the valley of the Mississippi. That the lakes once discharged their waters in this direction, such additional evidence is furnished by the appearance of the country, that in this our argument, but serves to add confirmation to the general opinion.

There is further reason to suppose that a barrier has existed across the strait of Mackinac, cutting off lake Michigan, and perhaps lake Superior, from the lower lakes. Now if we supposed that the erection of this barrier, or the continuance of that elevatory movement, closed up the communication by way of the Mississippi valley, a body of water would remain, filling nearly the whole "basin of the St. Lawrence," and receiving constant accessions from the streams which discharge into it. At this period, we may conclude the rocky barriers of the Mohawk and Hudson, unable to resist the enormous pressure of the accumulating volume, gave way, discharging the surplus waters with tremendous violence, and thus opening a passage for the present great channels of water communication with the ocean, through the state of New York.

Subsequent to this event, the continued uplifting of the land, or the bursting of the barrier of the Alleganies, opened a passage for the waters through their present outlet of the St. Lawrence, when lake Erie and the upper lakes subsided to about their present levels. Then, for the first time, their accumulated waters, confined by the valley of the Niagara, rushed over its "wave-worn precipice," producing that stupendous cataract, which now seems likely, for ages, to emit its unceasing thunder.

The "lake-ridge," of New York, may be considered as the shore of Ontario, after this *parting of the lakes* had taken place, and must necessarily be of subsequent formation to those of lake Erie. A still further progress of the elevation afterwards, alone, would reduce that lake to its present level, without affecting the levels of the upper lakes.

It is not our design, nor would it come within the scope of this report, to discuss the prime causes of these great changes. We rest here on the assurance that it involves no principle which a geologist, at this day, will deny. A fact is mentioned by Prof. Emmons, in the first geological report of New York, which has so immediate a bearing on the principle here made use of, that I cannot refrain from alluding to it. It is this—"That the waters of the St. Lawrence are declining, or do not appear at so high a level now as formerly, or, what is about the same thing, *the country is rising*." "The possibility of such

a change," he justly remarks, "can no longer be doubted, since it is clearly proved that portions of the continent of Europe are now undergoing the same change. Norway is gradually rising, and Greenland is gradually sinking." Similar phenomena are also taking place on the western coast of South America. Other facts relevant to this subject might be introduced, connected with the earthquakes in the Mississippi valley, had I not been already enticed to greater length than may seem called for in this place.

It may be added, that the unusually marked character of the ridge on the west end of lake Erie, is a consequence of the even surface and extent of the limerock, and its overlying clays, which here form its base. It may be doubted whether any similar ridge, at least so distinct, may be traced over the more broken country which circumscribed the eastern limits of the waters in New York.

LAKE ALLUVION.

The facts and suppositions above stated, lead to several important conclusions in determining the alluvial deposites of the peninsula.

Under the name of *diluvium*, were classed all those alternating deposites of sands, gravels and clays, which envelope the upper rock formations of the peninsula. As we descend from the more elevated interior, and come within that area which I have supposed circumscribed by the waters of the ancient lakes, a different character of surface and of soil, prevails. The great deposite of blue and yellow clays, since they underlie and extend beyond the ridge, must be of a date anterior to the era under consideration. Nor do they seem to have been much disturbed during that comparatively quiet state of the waters. An evident disarrangement, however, took place among the more loose sands and gravels, which assumed the character of *alluvion;* being subjected to a less disturbed and longer continued action than the diluviums, and deposited with fewer inequalities of surface. This alluvion consists, in the main, of a covering of sand, or of sand ridges, with the underlying clays outcropping at intervals. Boulders are thinly dispersed, and few local beds of clay are found, like those embraced in the diluvium. Most of this alluvion is clothed with a dense growth of timber.

Similar results from the same cause are found strikingly exemplified in the state of New York, over an area described by Mr. Vanuxem as occupying "a portion of Oneida, the northern part of Madison, Onondaga and Cayuga, and the western and southern portions of Oswego." The area included within these limits will be found to correspond with that which I have supposed occupied by the waters when raised to the assumed

level. "Were the whole of this ancient level or area," he adds, "stripped of its alluvial materials, we should find that the surface presented a lake bottom, appearing as though Ontario and Oneida once had a higher level, their waters uniting and covering the whole surface."

Very important practical conclusions are drawn by Mr. Vanuxem, from these facts.

It is in this *alluvion* that we find buried trunks of trees, the remains of the mastodon, and fresh water shells, and I am not aware that any of these have been found, under similar circumstances, in the diluvial deposites.

Instances in our state, though rare, are all confirmatory of the position assumed. Bones of the mastodon were two years since found on the Paw Paw river, in Berrien county, beneath twelve feet of sand and gravel. A few of these are preserved in the state collection. In the same manner, trees may be seen imbeded in the gravel which overlies the clays on St. Clair river, at the foot of lake Huron, and at a depth of ten to twenty feet from the surface. The discovery of *fresh-water shells* under similar conditions, has been made in Saginaw county, and elsewhere in this state, and in the Niagara valley, at a height far above the present stream.

We do not by any means consider these facts conclusive that this inland sea was one of *fresh water*, nor do we see much difficulty in the way of so important a conclusion. If such was the case, the *barriers* which cut off the influx of the ocean must have existed during the quiescent state of the waters. For, had the present passages to the ocean been then open, no such accumulation of *fresh water* could have taken place; but we must necessarily suppose the inland sea to have been at the same level with the briny Atlantic. Assuming our theory of the erection of these barriers, as proposed above, we may then conceive the uplifting of the continent to have been still in progress, until the whole became elevated far above the influence of the ocean, and could receive accessions only from fresh water streams.

In conclusion of this subject, the aspect of the surface throughout this region, seems to indicate *three great eras* since the formation of the newest rocks:

1st. After the elevatory process had commenced, and land appeared above the surface of the ocean. At this period many of the secondary and tertiary rocks were removed by the agitation of the waters, and the whole covered with that mass of disruptured fragments of rocks of all ages which constitute our *diluviums*.

2d. When the upheaving force became stationary, at long and successive intervals, or when the elevation of mountain ranges had erected barriers against the influx of the ocean.

During this period lake *alluvions* would be forming over the area then occupied by the waters.

3d. The era of the present levels; which commenced after the increasing pressure had burst passages successively through the opposing barriers, occasioning sudden subsidences of the waters.

Thus we may suppose that the lakes assumed their present forms in successive order, beginning with the most elevated, until finding their final passage through the St. Lawrence, the chain, as now existing, became complete.

Thus, (whichever assumption be correct,) the "lake ridge" becomes a *record* of one of those great changes which the surface of our world has been ever undergoing, to fit it for the habitation of man.

The extent of the district gone over during the season's survey, has compelled me to confine this report, in the main, to general observations. No apology, therefore, it is conceived, will be necessary, for the omission of the innumerable details collected, very many of which might be deemed of practical importance, and which are fully laid before you in the returned field notes.

BELA HUBBARD,
Assistant Geologist.

Glossary, containing most of the technical terms used in these reports.

Alluvial. The adjective of Alluvium.

Alluvion or Alluvium. Recent deposites of earth, sand, gravel, mud, stones, peat, shell banks, shell marl, drift sand, &c., resulting from causes now in action. This term is generally applied to those deposites in which water is the principal agent.

Alum rock. Rocks which, by decomposition, form alum.

Amorphous. Bodies devoid of regular form.

Amygdaloid. A trap rock which is porous and spongy, with rounded cavities scattered through its mass. Agates and simple minerals are often contained in these cavities.

Anthracite. A species of mineral coal, hard, shining, black and devoid of bitumen.

Anticlinal. An anticlinal ridge or axis is where the strata along a line dip contrariwise, like the sides of the roof of a house.

Arenaceous. Sandy.

Argillaceous. Clayey.

Augite. A simple mineral of variable color, from black through green and gray to white. It is a constituent of many volcanic and trappean rocks, and is also found in some of the grantic rocks.

Avalanche. This term is usually applied to masses of ice and snow which have slidden from the summits or sides of mountains. It is now applied to slides of earth and clay.

Basalt. One of the common trap rocks. It is composed of augite and feldspar, is hard, compact, and dark green or black, and has often a regular columnar form. The Palisades of the Hudson show the columnar aspect of trap rocks. The Giant's causeway is cited as an example of basaltic rocks, and the columnar structure is there very strikingly displayed.

Bitumen. Mineral pitch, which is often seen to ooze from fossil coal, when on fire.

Bituminous Shale. A slaty rock, containing bitumen, and which occurs in the coal measures.

Blende. Sulphate of zinc. A common shining zinc ore.

Bluffs. High banks of earth or rock with a steep front. The term is generally applied to high banks forming the boundaries of a river, or river alluvions.

Bog Iron Ore, Ochre. A variety of ore of iron which has deen deposited by water. Chiefly in low, wet ground.

Botryoidal. Resembling a bunch of grapes in form.

Boulders. Erratic group. Lost rocks. Rocks which have been transported from a distance, and more or less rounded by attrition or the action of the weather. They lie upon the surface or loose in the soil, and generally differ from the underlying rock in the neighborhood.

Breccia. A rock composed of angular fragments cemented together by lime or other substances.

Calc Sinter. A German term for depositions of limestone from springs, and waters which contain this mineral in solution.

Calcareous Rocks. A term synonymous with limestones.

Calcareous Spar. Crystalized carbonate of lime.

Carbon. The combustible element of coal.

Carbonates. Chemical compounds containing carbonic acid, which is composed of oxygen and carbon.

Carbonic Acid. An acid gaseous compound, incapable of supporting combustion, and deleterious to animal life. It is common in caves and wells, and many incautious persons lose their lives in consequence of descending, without first ascertaining its presence by letting down a lighted candle. Man cannot live where a candle will not burn freely.

Carboniferous. Coal bearing rocks. This term has been applied to formations belonging to an ancient group of secondary rocks which contain coal. The term is now used in a more

enlarged sense, and may be applied to any rocks containing coal.

Chalybeate. Impregnated with iron.

Chert. A siliceous mineral, approaching to chalcedony, flint and hornstone. It is usually found in limestone.

Chlorite. A soft, green, scaly mineral, slightly unctious.

Chloritic Slate. Slate containing chlorite.

Clinkstone. A slaty feldspathic or basaltic rock, which is sonorous when struck.

Cleavage. The separation of the laminae of rocks and minerals in certain constant directions. They are not always parallel to the planes of stratification, but are often mistaken for them.

Coal formation. Coal measures. These terms are considered synonymous, and refer to the great deposite of coal in the older secondary rocks, which has been called the "independent coal formation." There are, however, deposites of corbonaceous matter in all the geological periods, and several of them might also be called coal formations.

Conformable. When strata are arranged parallel with each other, like the leaves of a book, they are said to be conformable. Other strata lying across the edges of these may be conformable among themselves, but *unconformable* to the first set of strata.

Conglomerate, Crag or *Puddingstone.* Rocks composed of rounded masses, pebbles and gravel cemented together by a siliceous, calcareous or argillaceous cement.

Cretaceous. Belonging to the chalk formation.

Crop out and *out crop.* Terms employed by geologists and mining engineers, to express the emergence of rock, in place, on the surface of the earth at the locality where it is said to crop out.

Crystaline. An assemblage of imperfectly defined crystals, like loaf sugar and common white marble.

Delta. Alluvial land formed at the mouths of rivers.

Denudation. A term used to express the bare state of the rocks over which currents of water have formerly swept, and laid the rocks bare, or excavated them to form valleys of denudation.

Deoxidize. To separate oxygen from a body.

Detritus and *Debris.* Broken and removed portions of rock which have been operated upon by waters or the atmosphere; frequently transported by currents to great distances.

Dykes. A kind of vein intersecting the strata, and usually filled with some unstratified igneous rock, such as granite, trap or lava. These materials are supposed to have been injected in a melted state into great rents or fissues in the rocks.

Diluvium and *Diluvion.* Deposites of boulders, pebbles and

gravel which many geologists have supposed were produced by a diluvial wave or deluge sweeping over the surface of the earth.

Dip. Where strata are not horizontal, the direction in which their planes sink or plunge, is called the direction of the dip, and the angle of inclination, the angle of dip.

Dolomite. A magnesian limestone belonging to the primary class. It is usually granular in its structure, and of a friable texture.

Dunes. Sands raised into hills and drifts by the wind.

Earth's Crust. The superficial parts of our planet which are accessible to human observation.

Embouchure. From the French, signifying mouth or entrance, (of a river.)

Eocene. The strata deposited during the oldest of the tertiary epochs, as, for example, the Paris basin.

Estuaries. Inlets of sea into the land. The tides and fresh water streams mingle and flow into them. They include not only the portion of the sea adjacent to the mouths of rivers, but extend to the limit of tide water on these streams.

Exuviæ. In geology, fossil remains.

Fault. A dislocation of strata, at which the layers on one side of a dyke or fissure have slid past the corresponding ones on the other. These dislocations are often accompanied by a dyke. They vary from a few lines, to several hundred feet.

Feldspar. One of the simple minerals, and, next to quartz, one of the most abundant in nature.

Ferruginous. Containing iron.

Fluviatile. Belonging to a river.

Formation. A group of rocks which were formed during a particular period, or which are referred to a common origin.

Fossils. The remains of animals and plants found buried in the earth, or enclosed in rocks. Some of these are but slightly changed, others are petrified, and the organic replaced by mineral matter; some have decayed and left the impression of the bodies, while others have been formed by mineral matter deposited in the cavities left by the decay of the organic body. These last are called *casts.* The term petrifaction is applied to those cases in which organic matter has been replaced by mineral substances. The form and structure of the original body both remain. In casts, the exterior form alone is preserved. Fossils are also called organic remains.

Fossiliferous. Containing organic remains.

Galena. An ore of lead composed of lead and sulphur.

Garnet. A simple mineral, which is usually red and crystalized. It is abundant in most primitive rocks.

Gneiss. A stratified primary rock, composed of the same

materials as granite, but the mica is distributed in parallel layers, which give it a striped aspect.

Geode. Geodiferous. Geodes are small cavities in rock, generally lined with quartzose or calcareous crystals.

Geology. A science which has for its object to investigate the structure of the earth, the materials of which it is composed, the manner in which these are arranged, with regard to each other; and it considers the action of all natural causes in producing changes, such as the effects of frost, rain, floods, tides, currents, winds, earthquakes and volcanoes.

Economical Geology refers to the applications of geological facts and observations to the useful purposes of civilized life.

Granite. An unstratified rock, composed generally of quartz, feldspar and mica, and it is usually associated with the oldest of the stratified rocks.

Graywacke, Grauwacke. A group of strata in the transition rocks; but the term has been so indefinitely applied, that other names will probably be substituted.

Greenstone. A trap rock, composed of hornblende and feldspar.

Grit. A coarse-grained sandstone.

Gypsum. A mineral composed of sulphuric acid and lime, and extensively used as a stimulant manure, and for making stucco and plaster casts, &c. It is also called plaster of Paris.

Hornblende. A mineral of a dark green or black color, and which is a constituent part of greenstone.

Hornstone. A siliceous mineral, approaching to flint in its character.

Hydrography. A science which considers the waters of the globe, principally as relates to navigation, tides, currents, soundings, charts of coasts, &c.

In situ, In place. In their original position, where they were formed.

Kidney Ironstone. A variety of ore of iron which receives its name from the somewhat kidney shaped masses in which it occurs. It accompanies the rock of the *carboniferous group.*

Laminae. The thin layers into which strata are divided, but to which are not always parallel.

Lacustrine. Belonging to a lake. Depositions formed in ancient as well as modern lakes, are called lacustrine deposites.

Landslip. It is the removal of a portion of land down an inclined surface. It is in consequence of the presence of water beneath, which either washes away the support of the superincumbent mass, or so saturates the materials, that they become a slippery paste.

Line of Bearing, is the direction of the intersection of the lanes of the strata with the plane of the horizon.

Linear survey. A plan of surveying adopted by the United States government, by which the public lands are divided into rectangles, by straight lines.

Lignite. Wood naturally carbonized and converted into a kind of coal in the earth.

Littoral. Belonging to the shore.

Loam. A mixture of sand and clay.

Magnetic Meridian. A great circle passing through or by the magnetical poles of the earth; to which the *compass needle* if not otherwise hindred, conforms itself. This "line of no variation," is not stationary, but shifts eastward or westward of the true meridian, during a term of years

Mural Escarpment. A rocky cliff with a face nearly vertical like a wall.

Mammillary. A surface studded with smooth small segments of spheres like the swell of the breasts.

Mammoth. An extinct species of the elephant.

Marl. By this term an argillaceous carbonate of lime is usually implied. By custom, its signification is much more extended, and means mineral substances, which act as stimulating or fertilizing manures. There are clay marls, shell marls, and various others.

Marly Clay. Clay containing carbonate of lime.

Mastodon. A genus of extinct fossil animals allied to the elephant. They are so called from the form of the grinders, which have their surfaces covered with conical mammillary crests.

Matrix. The mineral mass in which a simple mineral is imbedded, is called its *matrix* or *gangue.*

Mechanical origin, Rocks of. Rocks composed of sand pebbles or fragments, are so called, to distinguish them from those of a uniform crystaline texture, which are of chemical origin.

Mica. A simple mineral having a shining silvery surface, and capable of being split into very thin elastic leaves or scales. The brilliant scales in granite and gneiss, are mica.

Micaceous, in part composed of scales of mica.

Mica Slate. One of the stratified rocks belonging to the primary class. It is generally fissile, and is characterized by being composed of mica and quartz, of which the former either predominates, or is disposed in layers, so that its flat surfaces give it the appearance of predominating.

Miocene. One of the deposites of the tertiary epoch. It is more recent than the *eocene,* and older than the pliocene.

Mollusca. Mollucous animals. "Animals such as shell fish, which, being devoid of bones, have soft bodies."

Mountain Limestone. "A series of limestone strata, of which the geological position is immediately below the coal measures, and with which they also sometimes alternate."

Muriate of Soda. Common salt.

Naphtha. A fluid, volatile, inflammable mineral, which is common in volcanic districts, and in the vicinity of the salt springs of the United States.

New Red Sandstone. "A series of sandy and argillaceous, and often calcareous strata, the prevailing color of which is brick red, but containing portions which are greenish grey. These occur often in spots and stripes, so that the series has sometimes been called the variegated sandstone. The European, so called, lies in a geolgical position immediately above the coal measures."

Nodule. A rounded, irregular shaped lump or mass.

Ochre. See bog iron.

Old Red Sandstone. "A stratified rock, belonging to the carboniferous group of Europe."

Oolite, oolitic. "A limestone, so named, because it is composed of rounded particles like the roe or eggs of fish. The name is also applied to a large group of strata characterized by peculiar fossils."

Organic Remains. See *Fossils.*

Orthoceratite. The remains of an extinct genus of molluscous animals, called Cephalopoda. The orthoceratites are long, straight, conical chambered shells.

Out-crop. See *Crop out.*

Out-liers. Hills or ranges of rock strata, occurring at some distance from the general mass of the formations to which they belong. Many of these have been caused by denudation, having removed parts of the strata which once connected the outliers with the main mass of the formation.

Oxide. A combination of oxygen with another body. The term is usually limited to such combinations as do not present active acid or alkaline properties.

Palaeontology. A science which treats of fossil remains.

Peat. A product resulting from the accumulation of vegetable substances, found in marshy places, in a partially decomposed and sometimes compact state. Peat may be *fibrous, ligneous, &c.*

Pisolite. A calcareous mineral, composed of rounded concretions like peas.

Pliocene. The upper, or more recent tertiary strata. This group of strata is divided into the older and newer pliocene rocks.

Petroleum. A liquid mineral pitch. It is common in the region of salt springs in the United States.

Porphyry. A term applied to every species of unstratified rock, in which detached crystals of feldspar are diffused through a compact base of other mineral composition.

Productus. An extinct genus of fossil bivalve shells.

Plastic Clay. One of the beds of the Eocene period. The plastic clay formation is mostly composed of sands with associate beds of clay.

Primary Rocks. Those rocks which lie below all the stratified rocks and exhibit no marks of sedimentary origin. They contain no fossils, and are the oldest rocks known. Granite, hornblende, quartz and some slates belong to this division.

Pudding Stone. See *Conglomerate.*

Pyrites. A mineral composed of sulphur and iron. It is usually of a brass yellow, brilliant, often crystalized, and frequently mistaken for gold.

Quartz. A simple mineral, composed of silex. Rock crystal is an example of this mineral.

Rock. All mineral beds, whether of sand, clay or firmly aggregated masses, are called rocks.

Sandstone. A rock composed of aggregated grains of sand.

Schist. Slate.

Seams. "Thin layers which separate strata of greater magnitude."

Secondary Strata. "An extensive series of the stratified rocks, which compose the crust of the globe, with certain characters in common, which distinguish them from another series below them, called primary, and another above them, called tertiary."

Sedimentary Rocks. Are those which have been formed by their materials having been thrown down from a state of suspension or solution in water.

Selenite. Crystalized gypsum.

Septaria. Flattened balls of stone, which have been more or less cracked in different directions, and cemented together by mineral matter which fills the fissures.

Serpentine. A rock composed principally of hydrated silicate of magnesia. It is generally an unstratified rock.

Shale. An indurated slaty clay, which is very fissile.

Shell Marl—Fresh water Shell Marl. A deposite of fresh water shells, which have disintegrated into a grey or white pulverulent mass.

Shingle. The loose water-worn gravel and pebbles on shores and coasts.

Silex. The name of one of the pure earths which is the base of flint, quartz and most sands and sandstones.

Siliceous. Containing silex.

Silt. "The more comminuted sand, clay and earth, which is transported by running water."

Simple Minerals. Are composed of a single mineral substance. Rocks are generally aggregates of several simple minerals cemented together.

Slate. A rock dividing into thin layers.

Stalactite. Concreted carbonate of lime, hanging from the roofs of caves, and like icicles in form.

Stalagmites. Crusts and irregular shaped masses of concreted carbonate of lime, formed on the floors of caves, by depositions from the dripping of water.

Stratification. An arrangement of rocks in strata.

Strata. Layers of rock parallel to each other.

Stratum. A layer of rocks; one of the strata.

Strike. The direction in which the edges of strata crop out. It is synonymous with *line of bearing.*

Syenite and *Sienite.* A granite rock, in which hornblende replaces the mica.

Synclinal line and *Synclinal axis.* When the strata dip downward in opposite directions, like the sides of a gutter.

Talus. In geology, a sloping heap of broken rocks and stones at the foot of many cliffs.

Tertia Strata. "A series of sedimentary rocks, with characters which distinguish them from two other great series of strata—the secondary and primary—which lie beneath them."

Testacea. "Moluscous animals, having a shelly covering."

Tepid. Warm.

Thermal. Hot.

Thin out. Strata which diminish in thickness until they disappear, are said to *thin out.*

Topography. The description or delineation of the varieties of surface, and whatever else relates to the general exterior character of a country.

Transition rocks. A series of rocks which lie below the secondary and next above the primary; and are so called because they seem to have been formed at a period when the earth was passing from an uninhabited to a habitable condition. They contain numbers of characteristic fossils.

Trap—Trappean rocks. Ancient volcanic rocks, composed of feldspar, hornblende and augite. Basalt, greenstone, amygdaloid and dolomite, are trap rocks.

Travertin. "A concretionary limestone, hard and semi-crystaline, deposited from the water of springs."

Tufa calcareous. "A porous rock, deposited by calcareous waters on exposure to air, and usually containing portions of plants and other organic substances incrusted with carbonate of lime."

Tufaceous. A texture of rock like that of tuff.

Tuff, or *Tufa.* "An Italian name for a volcanic rock of an earthy texture.

Unconformable. See conformable.

Veins. Cracks and fissures in rocks filled with stony or me-

talic matter. Most of the ores are obtained from metalic veins.

Zoophytes. Coral sponges and other aquatic animals allied to them.

[No. 28.]

Report of the Bank of Macomb County.

BANK OF MACOMB COUNTY,
Mount Clemens, February 3, 1840.

To the Honorable HENRY ACKER,
Speaker of the House of Representatives:

SIR—Agreeably to the resolution passed by the house of representatives, on the 30th January, I herewith have the honor to report to that honorable body, in compliance of said resolution.

And am, very respectfully,
Your obedient servant,
C. A. EMERSON, *Cashier.*

Statement of the affairs of the Bank of Macomb County.

Resources.

Bonds and mortgages,	$8,197 79
Amount due from directors, as drawers and endorsers,	10,918 18
" " from other persons,	78,012 16
Exchange accounts,	8,390 00
Expenses,	4,687 87
Bank furniture,	2,220 30
Banking house and lot,	2,850 00
Due from individuals,	339 80
Macomb and Saginaw railroad company,	487 79
Due from Commercial bank, Buffalo, N. Y.,	3,633 73
Funds in Buffalo,	29,800 56
Bills of other banks on hand,	1,095 00
Specie,	1,221 13
	$151,853 81

Liabilities.

Capital paid in,	$105,429 00
Carried forward,	$

	$
Brought forward,	
Circulation,	10,159 00
Due banks,	5 00
Deposites on demand,	473 92
" to apply on debts,	27,917 54
Profit and loss	333 61
Discount received,	7,544 74
	$151,853 81

State of Michigan, County of Macomb, ss.

I, C. A. Emerson, being duly sworn, do depose and say, that the above statement is just and true, to the best of my knowledge and belief.

C. A. EMERSON, *Cashier.*

Sworn and subscribed to before me, a justice of the peace for this county, this 4th day of February, A. D. 1840.

P. B. THURSTON,
Justice of the Peace.

[No. 29.]

Special Message.

To the Speaker of the House of Representatives:

I transmit to the house of representatives for the use of the two houses, a communication recently made to me by the auditor general. I earnestly commend it to the consideration of the legislature, and I do not hesitate to recommend that an act be passed to give effect to the views it presents. The greatly increased and continually increasing duties of the office of auditor general, renders it, in my opinion, indispensable that adequate provision be made for the employment of a competent number of clerks, and that like provision be made for meeting all other incidental expenses of the office. That officer is of the first importance in the state; as the chief superintendent of our finances, almost every thing connected with the pecuniary means and resources of the republic, is to a great extent, and necessarily, in his control. In him, spotless integrity and untiring industry are indispensable; a scientific knowledge of financial affairs; great soundness of judgment, and a far reaching and an expanded comprehension, are likewise of the utmost importance. The services of such a man, cannot be obtained by "setting the office at auction, to be struck down

to the lowest bidder," and as the proper performance of the duties of that office, especially in the present condition of our affairs, will necessarily require the constant and devoted attention of the incumbent, his private concerns, must as inevitably be more or less neglected; it is proper therefore that his compensation should bear some fair proportion to the value of his services; and essential, that all the necessary and incidental expenditures of the office should be provided for by law. The views presented are strongly enforced by the forcible recommendations contained in the report of the late auditor general; and in the fact that year after year, relief has been sought for or provision has been made, by grants contained in general appropriation laws to meet such exigencies. But for the reasons I have stated on a former occasion, I entirely disapprove of that last mentioned mode of meteing out a fair compensation. If it be difficult to anticipate with sufficient certainty, the probable amount of such contingent expenditures, and if, as the proper guardians of the public moneys, the legislature should choose to exercise a controlling power over its disbursements, (a precaution which in republican governments is most commendable,) then, while a limit is assigned, beyond which such charges shall not extend, let the officer be holden to strict proof, and to a full accountability to each successive legislature which may audit such accounts. And however customary it may have been to increase heavy expenses, trusting to such influences as may be made to operate upon the minds of a future legislature for remuneration, through the means of a general appropriation law, yet I entirely commend that scrupulous morality, which should at all times restrain an officer from incurring pecuniary charges in the name of the state, unless in cases *previously sanctioned by existing law.*

There is another consideration connected with this subject, not unworthy of regard, perhaps. Such a course leads to erroneous opinions, on the part of the people, whose money it is, as to the manner of its expenditure. The compensation allowed to the attorney general, for example, is generally presumed to be $500 per annum, that being the fixed salary established by law; a critical examination of the reports of the accounting officers of the state, and of the appropriation laws, will show how erroneous that general opinion may be. The compensation for performing the duties assigned by law to the office of governor of this state, purports to be $2,000 per annum; but a review of the accounts of the internal improvement funds, and the reports of the fiscal officers of the government, for instance, for the year ending in December, 1837, and the appropriations made for house rent, or for gubernatorial services performed by the lieutenant governor, during that year, will show, not, perhaps, that the representatives of the people have been un-

just, but that a statute, fixing compensations, made under the particular sanction of the constitution, leads to delusive conclusions.

In every point of view, it seems to me proper, that whatever is allowed for compensation, should be limited, and for incidental expenditures, should, as far as practicable, be *sanctioned by previous law.* The remarks I have ventured to submit, in regard to the office of the auditor general, are, in many respects, applicable in almost an equal degree, to the state treasurer.

But it would be an error to infer from them, any reluctance on my part, most cheerfully to acquiesce in every such just and appropriate measure, as the legislature may devise for decreasing the public expenditures, for securing a more strict accountability on the part of public officers, and for multiplying checks against wasteful disbursements. On the contrary, I remain of the opinion that the board of commissioners of internal improvement ought to be abolished; and, if any, that a far less expensive, and more economical plan for progressing with our public works, be established; that all duties connected with the receipt and expenditures of the common school and university fund, should be transferred, under proper regulations, to the officers of the auditor general and state treasurer, and that the salary of the superintendent of public instruction should be greatly reduced. That the office of librarian should be abolished, and the care of the public library transferred to the state department, and that the salary of private secretary of the governor be abolished; and that during the setting of the legislature, a per diem, or other suitable compensation, be substituted for transcribing public papers, and serving, as a medium of communication, between the executive, as one branch of the legislature, and the senate and house; or, if it seem to the legislature more expedient, that the office of librarian and private secretary be consolidated, and the duties of each be performed, upon a reasonable compensation by the same officer. But, while I in no wise seek to avoid the performance of a duty, in recommending these or any other more appropriate measures, having the objects I have indicated in view, yet I submit them, as well as the accompanying remarks, with all the deference which is due to the practical good sense, and the superior wisdom of the senate and house of representatives.

WM. WOODBRIDGE.

Executive Office, February 5, 1840.

AUDITOR GENERAL'S OFFICE,
Detroit, January 29, 1840.

To His Excellency, WILLIAM WOODBRIDGE,
Governor, State of Michigan:

SIR—Permit me to call your attention to a few points in reference to our laws relating to this department, and to request such action in the matter as you may deem expedient.

The revised statutes, (page 90, section 21, makes it the duty of the auditor general to give to any person requiring the same, "a certificate of the amount of any tax, interest and *charges* due on any tract or parcel of land." By the law for the better regulation of the office of county treasurer, (laws of 1836, page 40,) it was provided that every piece or parcel of land returned, &c., should be subject to the charge of 25 cents. This law having been repealed by the revised statutes, (page 696,) there does not seem to be any law authorizing any charge to be made, unless the clause above recited, (page 90, section 21,) gives such authority.

It has been the practice in the office to make the charge of twenty-five cents upon every entry, and by referring to the auditor general's report of the present year, you will find the aggregate amount of the charges received up to the date of the report, to be $1,450 82. This, I should presume, would more than meet the increased expenses of the office for the period of eight months, during which this fund has been accumulating; but as the expenses, after the returns of one or two more years shall have been made, will be much increased, the charge may not, in the end, be found to be excessive. I have no doubt of the propriety of some charge, as the state can, by this means, acquire a fund adequate to meet the increased expenses of the office. I, however, doubt the *legality* of the charge under our present laws.

I do not find any law authorizing the employment of clerks for this or the treasury department. If there is any in our statutes, it has escaped my notice. Two are required, at present, in this office, and it may become necessary when the returns of delinquent taxes for the current year shall have been made, to employ others.

I would also call your attentien to the fact, that the books and papers of this office are much exposed to destruction by fire. The consequences of such a calamity, I need not attempt to describe. An expenditure sufficient to place them beyond the reach of such an event should, in my judgment, be authorized.

It has been stated to me that this office is required by law to be kept in the capitol. I have not, in any examination I have been able to make, discovered any such provision. If it

exists, the reasons which have been assigned for the removal from that place are worthy of consideration. They are, that the rooms in the basement were found to be damp, and consequently, unhealthy; and that the location was much complained of by the public, in consequence of the distance from the usual place of business.

I have personally no wish to gratify, but will transfer the office to the capitol, if rooms convenient can be furnished, for the transaction of the business of the department.

I am, sir, very respectfully,
Your obedient servant,
E. P. HASTINGS,
Auditor General.

[No. 30.]

Report of the Select Committee on the subject of claims made by contractors on the works of internal improvement.

The select committee to whom was referred the subject of claims made by contractors upon the works of internal improvement in this state, through their chairman, respectfully report:

That they have endeavored to give the subject an impartial investigation, and from facts set forth by many of said claimants, your committee are of the opinion, that justice requires that something should be done on the part of the state to satisfy said claims, so far as facts go to show that the contractors have been injured by the non-fulfillment of the state on her part. Claims have been presented to said committee, by Messrs. Brown & Davis, Hamlin, Foster and Parshal, and some others, which are of the characters following, to wit:

First. For selling estimates, warrants and eastern drafts for less than their par value, and interest upon the same from he time that said estimates were made, until said money was actually received.

Second. Said claimants have taken contracts from the state, and have re-let said contracts to individuals, and have agreed to pay said sub-contractors as the state agreed to pay them; and the state not fulfilling, they have not been able to fulfill, and in some instances, claim heavy damages in consequence.

Third. Said contractors claim damages for time spent in looking for commissioners, and for traveling to Detroit to sell estimates and warrants, for funds, that they might carry on

their work, when, according to contract, the money should have been paid on the line of said work.

Fourth. They ask damage for timber and lumber which has been got out for locks and other purposes, and has been injured by fire and by warping in the sun, which they could not take care of for want of funds, which the state had failed to furnish according to contract. And your committee are decidedly of the opinion, that in order to decide upon the merits of many of said claims, it would be necessary to visit the place where said contracts were let, and said work done; and your committee are of the opinion that the acting commissioners of internal improvement are, or should be, in possession of more facts relative to said claims than any other persons, and would therefore recommend, that if said commissioners have not power to settle said claims, that they be authorized and empowered by this legislature, to settle all legal claims against the state, which contractors upon our public works have sustained in consequence of the state's violating her contracts.

And your committee would ask to be discharged from the further consideration of the subject.

All of which is respectfully submitted.

C. P. BUSH,
Chairman.

[No. 31.]

Communication from the Treasurer of State, relative to weights and measures.

TREASURER'S OFFICE,
Detroit, February 5, 1840.

To Hon. HENRY ACKER,
Speaker of the House of Representatives:

SIR—In compliance with a resolution of the house of representatives of the 4th instant, requiring the "state treasurer to lay before this house, such information as he possesses, relative to a standard of weights and measures," I have the honor to state, that since the report of the treasurer of the 1st January, 1838, (documents 1838, page 87,) a set of standard weights has been received at this office, from Washington, but the standard measures have not been received, nor any information relative thereto, since the communication of F. R. Hassler, of the 28th March, 1838, (documents 1838, page 562.)

I have the honor to be, &c.

ROBERT STUART, *Treasurer.*

[No. 32.]

Report of the Palmyra and Jacksonburg Railroad Company.

Statement showing the cost of the Palmyra and Jacksonburg railroad, (without iron,) from Palmyra to Clinton, its present termination, sixteen miles, together with the assets and liabilities of the company; also, the receipts and disbursements of the same, from its opening, to wit: the 11th day of August, 1838, to the 27th day of November, 1839, a period of fifteen months.

The cost of the road from Palmyra to Clinton, sixteen miles, (without iron,) including all expenses for surveys, engineering, releases, construction, &c., &c.,	$70,843 65
Amount of capital stock subscribed,	*105,850 00
Amount received on stock, (including Stickney's bond and mortgage of $28,784 88,)	62,056 51
Balance due on stock, (exclusive of mortgage,)	43,793 49
The liabilities of the company are as follows, to wit:	
Amount of loans from the state,	20,000 00
Amount due to all other creditors,	17,572 02
Total amount of debts,	$37,572 02
The resources of the company are,	
Balance due from stockholders on stock,	$43,793 39
Stickney's bond and mortgage,	28,784 88
	$72,578 37
Deduct state loan and other debts of company,	37,572 02
Leaving this balance of company's resources after all debts are paid.	$35,006 35

Of this sum, a portion, doubtless, cannot be collected, either by a course of law, or otherwise; but it may be perfectly safe to estimate two-thirds of the above balance as available funds.

*The original amount subscribed was more, but the directors released some two or three of the stockholders of a portion of their stock.

Recapitulation.

Treasurer of Palmyra and Jacksonburg Railroad Company,

DR.

To moneys received from stockholders, exclusive of bond and mortgage,	$33,271 63
State loan,	20,000 00
Bills payable,	17,572 02
	$70,843 65

CR.

By moneys paid in construction of road, including incidental expenses, engineers' estimates, releases, &c. &c.,	$70,843 65
Amount of stock subscribed in Palmyra and Jacksonburg railroad company,	$105,850 00
Cost of construction, &c., &c.,	70,843 65
	$35,006 35

Leaving balance as resources of company as stated above.

Receipts and disbursements of the Palmyra and Jacksonburg Railroad, from August 11, 1838, to November 27, 1839.

Up freight, from August 11, to December 31, 1838,	$2,508 74	
Up freight, from January 1, to November 27, 1839,	3,776 64	
		$6,285 38
Down freight, from August 11, to December 31, 1838,	1,159 48	
Down freight, from January 1, to November 27, 1839,	4,575 63	
		5,735 11
Up passenger fare, from August 11, to December 31, 1838,	628 00	
Up do from January 1, to November 27, 1839,	1,167 95	
		1,795 95
Down passenger fare, from August 11, to December 31, 1838,	858 67	
Down do from January 1, to November 27, 1839,	1,588 84	
		2,447 51
		$16,268 95

Expense account accrued and paid from August 11, 1838, to November 27, 1839, including agent's salary,	$8,778 69
Balance carried to profit and loss account,	7,485 26
	$16,263 95

D. PITTMAN,
Agent of the P. & J. R. R. Co.

State of Michigan. Lenawee county, ss.

Daniel Pittman, of the village of Tecumseh, in said county, being duly sworn, deposes and says, that the above statement of receipts and disbursements of the Palmyra and Jacksonburg railroad, is true and correct according to his knowledge and belief, and further says not.

D. PITTMAN.

Sworn and subscribed before me, this 4th day of February, A. D., 1840.

M. T. CHAMPION,
Notary Public.

[No. 33.]

Report of the Committee on Internal Improvement, relative to outstanding debts, &c.

The committee on internal improvement, under authority in them vested, by the reference of sundry documents, &c., have obtained from the board of commissioners of internal improvement, the following information concerning the outstanding debts of the state, on account of the several works of internal improvement, and deeming the same useful to the legislature, beg leave to communicate the same to the house.

All of which is respectfully submitted.

JOSHUA HOWARD, *Chairman.*

OFFICE OF INTERNAL IMPROVEMENT,
Detroit, February 8, 1840.

Hon. JOSHUA HOWARD, *Ch'n Com. on Int. Imp.*

SIR—In answer to the queries contained in your favor of 31st ult., I have to reply as follows:

1. The amount of the present indebtedness to contractors up to this date,

On the central railroad, amounts to	$14,685 95
southern " "	8,000 00
northern " "	3,104 51
Clinton canal "	6,782 78
Improvement of Grand and Maple rivers,	948 70
Total amount of present indebtedness,	$33,521 94

2. The amount to become due on all existing contracts, when the same shall have been completed,

On the central railroad, amounts to	$84,714 66
southern " "	110,059 29
northern " "	15,286 00
Clinton canal,	180,180 79
Improvement of Grand and Maple rivers,	1,208 59
" Kalamazoo river,	850 00
" Saginaw canal,	30,893 52
Total amount to become due,	$423,192 85

The above does not include the amount of the contract on the Sault de Ste Marie canal, which is estimated to amount to the sum of $56,627 30. no work having been done under said contract.

3. There is, probably, due on the central railroad,

For engineers' services, claims for damages, fencing, &c., &c.,	$3,000 00
Southern railroad, for engineers' services, and claims for damages, &c., &c.,	5,000 00
Northern railroad, for engineers' and commissioners' services,	300 00
Saginaw canal, for engineers' and commissioners' services,	200 00
Contingent expenses of the board for stationery, clerk hire, &c.	100 00
	$8,600 00

The contracts above referred to, have all expired by limitation as far as is within my knowledge.

Trusting the above statement comprises all the information you desire,

I have the honor to be,
Your obedient servant,
RIX ROBINSON,
President Board Internal Improvement.

[No. 34.]

Report of the Board of Commissioners of Internal Improvement, in relation to mail contracts.

OFFICE OF INTERNAL IMPROVEMENT,
Detroit, February 8, 1840.

The board of internal improvement have the honor to report to the honorable the house of representatives, in answer to a resolution of that body, passed on the 7th instant:

That the contract for carrying the United States mail on route No. 2,409, on the central railroad, was entered into by William R. Thompson, individually, on the 6th day of September, 1839, to commence on the 1st day of January, 1840, and end on the 30th day of June, 1842. Mr. Thompson also submitted a bid to the post office department to carry the United States mail on route No. 2,432, which was accepted on the 7th day of September, 1839, as per letter of S. R. Hobbie, first assistant postmaster general, herewith submitted, (marked A.)

The said contract and bid, so accepted, has been held by William R. Thompson until the 7th instant, when he assigned the same to the people of Michigan, with the proviso that such assignment shall be allowed by the postmaster general, as required in section fourteen of said contract, herewith submitted, (marked B,) a copy of this assignment is herewith submitted (marked C.)

The state has received no compensation for carrying said mail under said contract and bid.

The state, if this assignment receives the assent of the postmaster general, is to receive the sum of fifty dollars ($50) per mile, per annum, on route No. 2,409, and twenty-five dollars ($25) per mile, per annum, on route No. 2,432, being the sum total of one thousand seven hundred and fifty dollars, ($1,750) per annum.

The amounts of said compensation is payable quarterly, "in the months of May, August, November and February."

By the schedule time, in said contract, the mails were to leave Detroit at 6 o'clock, A. M., and arrive at Ypsilanti at 8½ o'clock, A. M.; the cars to carry this mail leave at the first named hour.

The train upon which this mail is carried, in the business seasons, has been in the habit of leaving Detroit at 6 o'clock, A. M., for the purpose of carrying freight and such passengers as were desirous of leaving at that hour. It has been, and is now deemed advisable by the commissioners having charge of the road, to run a separate train for the transportation of freight, in preference to carrying freight and passengers in one

train; the reasons for this course, are obvious; to guard against accidents, which all are subject to, in the overloading of cars, or the breaking of machinery; and also, that heretofore, freight sufficient to require the power of one and sometimes two locomotive engines, has been carried over the road in the spring and fall of the year.

At the present season of the year, after navigation has closed, the board have no hesitation in stating, that if the traveling conveyances at the termination of this road, and which carry the United States mail, could be delayed until a later hour, that a greater number of passengers would probably be obtained, (provided only one train is run over said road,) by leaving at 10 o'clock, A. M., than at an earlier hour; but under existing circumstances, the stages west of the termination of this road, are confined to a limited time to carry the mails through to the end of their routes, and which they are enabled at present to make, after the arrival of the train which leaves this city at 9 o'clock, A. M.; but on the breaking up of the roads, they will be obliged to leave at the earliest hour in order to fulfill their contract time.

All which is respectfully submitted.

RIX ROBINSON,
WM. R. THOMPSON.

(A.)

S. R. Hobbie, Assistant Postmaster General's acceptance of bid on route No. 2,432.

POST OFFICE DEPARTMENT,
Contract Office, September 7, 1839.

SIR—Your bid of $25 00 per mile, upon route No. 2,432, has been accepted by the postmaster general. Contracts will be forwarded in due time. Service is to commence on the first of January next.

Respectfully, your obedient servant,
(Signed,) S. R. HOBBIE,
First Assistant Postmaster General.

Mr. W. R. THOMPSON, *Ann Arbor, Michigan.*

(B.)

Contract for carrying the United States Mail, on route No. 2,409, September 6, 1839.

(*No.* 2,409, $1,500 *per annum.*)

This indenture of contract, made the sixth day of September,

in the year one thousand eight hundred and thirty-nine, between William R. Thompson, of Ann Arbor, Michigan, contractor for carrying the mails of the United States, of one part, and the United States of America of the other part, witnesseth: that the said parties have mutually covenanted as follows, viz: The said contractor covenants with the United States:

1. To carry the mail of the United States, from Detroit, Michigan, by Dearbornville, South Nankin and South Plymouth, to Ypsilanti, and back daily in railroad cars. To be conveyed in cars fitted up for the purpose, under the direction of the department, for the exclusive accommodation of the mails and of the agent of the department who has charge of them and is intrusted with the delivering of the way-mails, and who is to be transported without charge, at the rate of three hundred and seventy-five dollars for every quarter of a year, during the continuance of this contract; to be paid by postmasters on the route above mentioned, or otherwise, at the option of the postmaster general of the United States, in the months of May, August, November and February.

2. That the mail shall be duly delivered at and taken from each post office now established, or that may be established, on the route embraced in this contract; that it shall be conveyed on this route in the time specified in the annexed schedule; and in a secure and safe manner, free from wet or other injury, it shall be duly delivered into the post office at the end of the route.

3. That if the contractor shall run a stage or other vehicle, more rapidly or more frequently than he is required by the contract to carry the mail, he shall give the same increased celerity and frequency to the mail, and without increase of compensation.

4. That the contractor shall convey, free of charge, all accredited agents of the department; also, mail bags and post office blanks.

5. That he shall not, by himself or his agent, transmit, or be concerned in transmitting commercial intelligence more rapidly than by mail.

6. That the contractor will if required by the postmaster general, collect quarterly, of postmasters on said route, the balance due from them to the general post office, and faithfully render an accounnt thereof to the postmaster general, in the settlement of quarterly accounts, and will pay over to the general post office all balances remaining in his hands.

7. That in every case of failure to perform the trip, there may be a forfeiture of the pay for the trip; and a failure to arrive at a postoffice so long after the time set in the schedule as to lose the connection with a depending mail, shall be considered as equal to a whole trip lost. Which forfeiture may be

increased to a penalty not exceeding fifty dollars, according to the circumstances under which the failure occurred.

8. That the contractor shall be subject, for failure to take or deliver a mail, or any part of a mail, for suffering the mail to be wet or otherwise injured, or lost, or destroyed, to a penalty of ten dollars, which may be increased to fifty dollars, according to the size and importance of the mail, and the circumstances under which the failure occurred, provided no penalty shall be imposed where the failure is shown not to have been caused by the negligence or mismanagement of the contractor, or any of his agents.

9. That a fine not less than the tenth part, and not exceeding the half of the price of a trip, may be imposed for each ten minutes' delay of the mail to arrive at the time specified in the schedule.

10. The contractor shall be answerable for the persons to whom he shall commit the care and transportation of the mail, and accountable for any damages which may be sustained through their unfaithfulness or want of care; and that he will discharge any driver or carrier of said mail, whenever required to do so by the postmaster general.

11. That the schedules being arranged so as to allow seven minutes to each postoffice for opening and closing the mails generally, and one hour to the distributing postoffices, the postmaster general is to have, nevertheless, the power of extending the time, on allowing the like extension to the contractor, if he shall claim it.

12. That the postmaster general may alter the schedule, and alter the route, he allowing a pro rata increase of compensation for any additional service required, and for any increased speed, when the employment of additional stock or carriers is rendered necessary.

13. That the postmaster general may curtail the service, or dispense with it entirely, he allowing one months' extra pay upon the amount deducted, in case he wishes to place on the route a higher degree of service than is contracted for, first offering the privilege to the contractor on the route, of performing such higher service, on the terms that can be obtained; or whenever he shall deem it expedient to lessen the service, or to leave such route, or any part of it, out of operation, to carry the mail by steamboat or railroad cars: *Provided*, That reduction of compensation, in consequence of reduction of service, shall not exceed the exact proportion which the service dispensed with, bears to the whole service.

14. That the postmaster general may annul the contract for repeated failures of the contractor to perform any of the stipulations of the contract; for violating the postoffice law, or diso-

beying the instructions of the department; or for assigning his contract without the consent of the postmaster general first obtained.

15. The United States covenant with the said contractor to pay, as aforesaid, at the rate aforementioned, quarterly, in the months of May, August, November and February.

Provided always, That this contract shall be null and void, in case the contractor, or any other person that may become interested in this contract, directly or indirectly, shall become a postmaster, or an assistant postmaster. No member of congress shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon; and this contract shall, in all its parts, be subject to the terms and requisitions of an act of Congress, passed on the twenty-first day of April, in the year of our Lord one thousand eight hundred and thirty-eight, entitled "An act concerning public contracts."

And it is mutually covenanted and agreed by the said parties, that this contract shall commence on the first day of January, 1840, and continue in force until the thirtieth day of June, in the year 1842.

In witness whereof, the said contractor and the postmaster general have hereunto set their hands and seals, the day and year set opposite their names respectively.

AMOS KENDALL.

November 25, 1839.

This Schedule,

Subject to alteration by the postmaster general, agreeably to the provision contained in the twelfth section of the contract.

Leave Detroit daily at 6 A. M., and arrive at Ypsilanti same day, by 8½ A. M.

Leave Ypsilanti daily at 3½ P. M., and arrive at Detroit same day, by 6 P. M.

(C.)

Assignment of contract for carrying United States Mail, by W. R. Thompson.

(Copy.)

Whereas, William R. Thompson, of the county of Washtenaw, state of Michigan, on the sixth day of September, in the year A. D. 1839, entered into a contract with Amos Kendall, postmaster general of the United States, to carry the United states mail on route No. 2,409; and also submitted a bid to the

postoffice department, for carrying the United States mail on route No. 2,432, which said bid has been accepted by a letter from S. R. Hobbie, first assistant postmaster general, bearing date September 7, 1839; which said contract and bid was to commence on the first day of January, A. D. 1840, and continue in force until the 30th day of June, A. D. 1842.

And whereas, The said Thompson is desirous of assigning his right and interest in said contract and bid, so accepted, to the people of the state of Michigan, and the same cannot be so assigned without first obtaining the consent of the postmaster general thereto.

It is, therefore, mutually agreed by and between the said Thompson and the people of the state of Michigan, by Rix Robinson, the president of the board of commissioners of internal improvement, in behalf of said people of the state of Michigan, by authority of a resolution adopted this date, by said board of commissioners of internal improvement, as follows:

First. The said Thompson, for and in consideration of one dollar, to him in hand paid by the said people as aforesaid, the receipt whereof is hereby acknowledged, and for the further consideration of the agreements hereinafter contained, hereby assigns, transfers, and sets over, all his rights, interest and claim of, in and to, the said contract, to the said people, together with all the rights, franchises and profits thereof, accruing or accrued, from and after the date of said contract, to have and to hold the same to the end and termination thereof, hereby authorizing the said people, by their agent or attorney thereunto, lawfully authorized, to demand and receive all moneys now due and to become due, by virtue of said contract, in my name and to their own use and benefit.

It is the express understanding, however, by and between the parties to this agreement, that the same shall not take effect until the consent of the postmaster general shall have been obtained for such transfer or assignment, and that it shall take effect from and after the time when such consent shall be given.

Second. The people of the state of Michigan, in consideration of the above agreement, on their part, agree to, (by their lawful agent, Rix Robinson, president of the board of commissioners of internal improvement, aforesaid,) take, fulfill and perform the contract and bid entered into as aforesaid, to carry the mails of the United States for the consideration therein mentioned, and in all things to fulfill and perform the said contract and bid, as aforesaid, in the same manner as the said Thompson was bound to do, by virtue thereof.

In witness thereof, the said parties have hereunto set their hands and seals, this seventh day of February, A. D. 1840.

(Signed,) W. R. THOMPSON, [L. S.]
RIX ROBINSON, [L. S.]
Prest. Board Com'rs Int. Imp.

Signed, sealed and delivered in presence of AMOS T. HALL and A. H. ADAMS.

[No. 35.]

Report of the Committee on the Judiciary, to whom was referred the several resolutions touching the reduction and regulation of costs and fees in courts, &c.

To the Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the several resolutions touching the reduction and regulation of costs and fees in courts, and of the several public officers, having had the same under consideration, report:

That from the various matters referred to in the several resolutions before your committee, they have been induced to revise the whole fee bill, and have reduced the same in nearly all its provisions, except that part of it which relates to the duties payable to the respective counties in the prosecution of civil suits, which your committee have been induced to raise; inasmuch as from the facts appearing before them, the counties are falling in debt from the excess of expense attending the courts in the several counties over the receipts into the county treasuries.

To carry out these objects, and meet the general intentions and scope of the resolutions referred to them, your committee herewith report a bill.

All of which is respectfully submitted.

H. T. BACKUS,
Chairman.

[No. 36.]

Report of the Committee on Claims, to whom was referred the memorial of Benjamin C. Cox, for services rendered as assistant engineer on the Northern railroad, &c.

The committee on claims, to whom was referred the memorial of Benjamin C. Cox, for services rendered as assistant engineer on the northern railroad of this state, and for implements and property furnished, and for moneys expended while in said service, respectfully report:

That on examining the accounts and other papers of the said Benjamin C. Cox, it appeared that he had received the appointment of assistant engineer of the northern railroad of this state, on the 16th day of May, 1837, and that he had continued in the service until on or about the 10th day of December, of the same year; and had furnished implements and property for, and had expended some money while in the service of the state; and also that he had received of the state in July, the sum of one hundred and fifty dollars, and in the month of November the sum of thirty dollars, and had credited the state with some articles left in his possession, worth about eighty-eight cents.

At this stage of the investigation, the committee, by their chairman, addressed a note to the secretary of the board of internal improvement, requesting a statement of all the moneys paid to the said Cox, for services as assistant engineer, or otherwise, and also, whether the said Cox had been removed or discharged from said service, on or before the said 10th day of December, 1837.

The committee received an answer from the secretary of that board, confirming the statements of Mr. Cox in relation to the credits he had given the state; and also stating that he had examined the records of the board up to the 31st day of December, 1837, and found no record of his having been discharged. A copy of the first annual report of the board of internal improvement was shown to the committee, in which it was stated that the salary of assistant engineers had been fixed at $1500 per year. The committee then addressed another note to the secretary of the board, as to the time when this sum was fixed upon by the board, as the salary of assistant engineer, and received for answer that it was on the 12th day of May, 1837.

From the documents before them, and from unquestionable testimony of respectable individuals, the committee are of opinion that the claim of Mr. Cox, is founded in justice, and

that he is entitled to compensation at the then established rates, for the time he has charged in his accounts, and they can discover no good reason for withholding, or postponing his claims.

They have, therefore, prepared a joint resolution which is herewith submitted, with the accompanying documents.

Respectfully,

D. E. BROWN,
Chairman Committee.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be directed to draw his warrant on the treasurer of the internal improvement fund, in favor of Benjamin C. Cox, for eight hundred and seventy-two dollars and sixty-eight cents, which shall be in full for all the claims of the said Cox, as set forth by him in his charges against the state.

[No. 37.]

Report of Select Committee relative to loans by the State to different Railroad Companies.

The select committee, appointed under a resolution adopted in the house of representatives on the 14th of January last, with instructions to report the names of the several companies for purposes of internal improvement, to which the state has lent aid by grants or loans; the terms on which such loans were made, with other particulars relative thereto, would respectfully submit the following as the result of their inquiries:

Loans have been made or certificates of stock issued, for the redemption of which, the faith of the state is pledged, to the following named companies, viz: the Detroit and Pontiac, the Palmyra and Jacksonburg, the Allegan and Marshall, and the Tecumseh and Ypsilanti railroad companies. Certain conditions are annexed to all the loans made to the above named companies, among which are the following:

1. Each of said companies was required to give security to the state by a bond, conditioned for the redemption of the stock created for their benefit, when the same shall become due, and for the punctual payment of interest thereon, and by mortgages on unincumbered real estate, double the amount of the loan.

2. The several railroads to be constructed by these compa-

nies are mortgaged to the state, and in case of default in the redemption of the stock or the payment of the interest thereon, the auditor general may sell at public auction, the railroad belonging to each delinquent company, by giving two months' notice of the intended sale in the state paper. The amount of each loan, the sums in which the companies severally are delinquent for interest, together with such information as the committee have been able to gather relative to the progress of each in the construction of their respective railroads, are herewith submitted.

Detroit and Pontiac Railroad Company.

By an act approved March 5, 1838, the treasurer of the state was authorized to deliver to this company, special certificates of stock bearing six per cent. interest, and redeemable in 1858, to the amount of one hundred thousand dollars. The whole amount of this loan has been received by the company. The interest on this loan for six months, ending July 1, 1839, and for the like period, ending January 1, 1840, has not been paid by the company; amount of unpaid interest, $6,090 00. The delinquent interest having been paid from the state treasury, the auditor general has advertised the Detroit and Pontiac railroad for sale at public auction. This company is also indebted to the state for railroad iron, in the sum of $9,995 46, and interest from date of purchase (December 16, 1837.) For the recovery of this debt, a suit has been instituted against the company by the attorney general. About nineteen miles of this railroad (extending from Detroit to Birmingham, in Oakland county) have been completed. The grading has been mostly done on the remainder of the road, (about seven miles,) and a great part of the timber prepared and distributed.

Palmyra and Jacksonburg Railroad Company.

By virtue of an act of the legislature, (approved June 22, 1837,) special certificates of stock, to the amount of twenty thousand dollars were issued to this company. The stock is redeemable at the pleasure of the legislature, after five years from the issue thereof, and bears seven per cent. interest. Sixteen miles of this road, (from Palmyra to Clinton, in Lenawee county,) have been so far completed as to be used for the transportation of freight and passengers. The legislature, during the session of 1838, by a joint resolution, directed the auditor general to require from this company such further security for the money loaned to them, as he might deem necessary. The required additional security not being furnished, the attorney general instituted a suit against the company, which suit is now pending.

Tecumseh and Ypsilanti Railroad Company.

By an act of the legislature, approved April 6, 1838, the governor was authorized to negotiate a loan of one hundred thousand dollars. The loan was made payable at any time after January 1st, 1839, and the rate of interest was not to exceed six per cent. Under this act, the company has received seventy-five thousand dollars. Two semi-annual payments of interest have fallen due and remain unpaid by the company; amount of unpaid interest, $ From a report made by the directors of the company to the legislature, February 12th, 1839, it would appear that there had then been expended on the Tecumseh and Ypsilanti railroad, the sum of $21,459 21. No report having since been made by the company, to the knowledge of your committee, they cannot ascertain what, or whether any further expenditure has been made on said railroad.

Allegan and Marshall Railroad Company.

The legislature, (by an act approved April 6, 1838,) authorized a loan of one hundred thousand dollars to this company. By one of the provisions of this act, whenever the directors of the company should produce satisfactory evidence to the auditor general that a sum not less than five thousand dollars had been paid into the treasury of the company and expended on their railroad, he (the auditor general,) was authorized to deliver to the company, warrants on the treasury for an equal amount, and in like manner, when evidence was produced of further sums being paid in and expended, until the amount of the loan should be paid over. Your committee have learned, that, previous to the failure of the Michigan state bank, sixty thousand dollars were placed in that bank, designed for said Allegan and Marshall railroad company, and that the auditor general delayed to place this sum *formally* to the credit of the company, until the requisite securities should be perfected; but that in anticipation of perfecting the securities required, the company, through the agency of the Calhoun county bank, drew from said Michigan state bank, the sum of fifty thousand dollars. Your committee cannot learn that any thing has been done toward the construction of this railroad.

All which is respectfully submitted.

D. K. UNDERWOOD,
Chairman.

[No. 38.]

Certain communications in relation to the Michigan State Bank, transmitted by the Executive.

EXECUTIVE OFFICE,
February 13, 1840.

To the House of Representatives:

I have this day received from the commissioners appointed to settle with the Michigan state bank, the accompanying communications, which I have the honor to transmit to the house of representatives for the use of both houses.

WM. WOODBRIDGE.

(Copy.)

Detroit, February 13, 1840.

To His Excellency WILLIAM WOODBRIDGE:

SIR—The enclosed communication, from Geo. F. Porter, president of the Michigan state bank, we have the honor to refer to you, that you may give it the proper direction. We are of opinion that better terms may be secured to the state, by granting the favor required, modified, however, so as not to extend the time for resumption beyond the 1st April, 1841.

We are, respectfully, sir,
Your obedient servants.

(Signed,) E. P. HASTINGS,
Auditor General.
RANDOLPH MANNING,
Secretary of State.
ROBERT STUART,
State Treasurer.

(Copy.)

MICHIGAN STATE BANK,
Detroit, February 8, 1840.

E. P. HASTINGS, *Esq., Auditor General:*

DEAR SIR—A resolution authorizing the auditor general, the state treasurer and the secretary of state to settle with this institution, received the assent of his excellency the governor, I think, on Monday last.

I have not received any official copy of the same, but from information obtained through the public prints, and members of the legislature, am advised that no provision is made by said

resolution for the protection of our charter, in case of settlement, leaving us exposed to immediate prosecution at the suit of the attorney general or any individual who may deem himself aggrieved.

Under more favorable circumstances, our franchise might be valuable, and the state may derive a corresponding advantage in settlement, by permitting us to retain it, upon certain conditions, while our board of directors can perceive no object or propriety in liquidating our debt to the commonwealth, to the prejudice of our other creditors; common justice would require that we should surrender our affairs to a receiver, for the benefit of all, unless this end can be obtained.

It appears by the journal of the senate, that the 22d instant is proposed as the day for adjournment of the legislature. I have, therefore, taken the liberty to communicate to you our views on this subject thus prematurely, that it may be laid before them previous to that date.

I also presume to suggest the form of a resolution which would be satisfactory to us and safe to the public.

And have the honor to remain,

Your obedient servant,

(Signed,) GEO. F. PORTER, *President.*

For the board of Directors.

Resolved, &c., "That the president, directors and company of the Michigan state bank, on settlement with the commissioners appointed to that duty, and resuming specie payment within one year from the date of said settlement, shall not be liable to any prosecution or forfeiture of their franchise in consequence of any act or thing by them done or suffered, previous to such resumption."

[No. 39.]

Report of the Committee on Internal Improvement, concerning the petitions of the Pontiac and Detroit Railroad Company, and numerous inhabitants of the northern section of the State, and the Senate bill, relating to the completion of the above road.

The committee on internal improvement, to whom was referred the petition of the Detroit and Pontiac railroad company praying for relief, the petitions of numerous inhabitants of

the counties of Oakland, Shiawassee, Genesee, Saginaw, and Lapeer, praying the legislature to purchase the Detroit and Pontiac railroad, and the senate bill, to extend the time for the completion of said road, have had those matters severally under consideration, and have instructed me, as their chairman, to submit the following report:

From all the information your committee have been able to obtain, they have arrived at the conclusion, that individuals composing the stockholders of the Detroit and Pontiac railroad, commenced the construction of the work in good faith and have prosecuted the same with commendable energy and enterprise; and are worthy of any relief that the legislature can extend to them, without compromising the interests of the state. That without any expectation of receiving aid from the state, they commenced and put in successful operation, twelve miles of their railroad. That they then found they should be unable, without aid from some source, to proceed to the completion of the road, and finding the investment, so far as made, to be a good one, they were desirous to complete it to Pontiac. That upon the petitioning of numerous inhabitants of the northern section of the state, the legislature, in the winter of 1837-8, loaned to the company the credit of the state, to the amount of one hundred thousand dollars, which the company considered amply sufficient, with their own means, to enable them fully to complete the road.

Your committee are satisfied, from the best information they have been able to obtain, that the full amount of the loan made to the company, has been judiciously expended upon the road, yet, from unforeseeen circumstances, they have been unable to prosecute the work to its completion.

Your committee find, on examination of the charter of the company, that the railroad and its appurtenances are holden for the redemption of the liabilities of the bank of Pontiac, which your committee are informed are between ninety and one hundred thousand dollars. This contingency seems to have been taken into consideration by the framers of the bill, loaning the credit of the state to this company, from the large amount of security required in addition to the mortgage upon the road.

Your committee are further of the opinion, that however much care may have been taken in the appraisal of the real estate, mortgaged by the company and individuals, as security for the loan, yet, the state would not be secure from heavy loss if a sale is attempted, in the present embarrassed state of the country. But on the contrary, if the prayer of the company should be granted, and they have it in their power to transfer the road to the state unincumbered, the state will not only secure the debt due from the company, but will also se-

cure a productive property, and one which will soon yield a handsome return to the state.

For a more perfect statement of the affairs and condition of the railroad, and its probable productiveness, your committee beg leave, as a part of their report, to submit the following communication, which they have received from the stockholders of the company, and have every reason to believe, can be relied upon.

—

(Copy.)

To the Honorable the Committee on Internal Improvements:

GENTLEMEN—The petition signed by us, and this day referred to your committee, respectfully asks of the legislature the favorable consideration of a proposition to transfer the "Detroit and Pontiac railroad," to the state, upon some terms that will be just and equitable, in satisfaction of the mortgages and other liabilities the state hold against our company. In order that your committee may be able to judge fairly the merits of the subject matter of our petition, we beg leave to state to you the present situation and condition of our road, and some of the causes which have lead to our present embarrassments.

"The Detroit and Pontiac railroad company" were chartered by the (then) legislative council of the (then) territory of Michigan, in 1834, and amended by the same body in 1835, giving the company the power to establish a bank upon certain conditions, one of which provided that ten miles of said railroad should be finished and put in operation within a given length of time. With an intimate knowledge of the country, and the probable productiveness of the road, we were induced to become the subscribers for a majority of the stock, and immediately commenced the construction of the road. Within the time specified, we had succeeded in getting twelve miles of the road into operation, and found it to fully equal our expectations for productiveness. In the winter of 1836 and '37, the legislature passed a law authorizing the commissioners of internal improvement to purchase the road, provided the company would sell at a cost not exceeding the original cost to the company, and the interest; but we were so sanguine that we should be able to complete the road, and that it would be a profitable investment, that we declined selling upon those conditions.

During the year 1838, the prostration of the credit and commerce of the country, compelled us to suspend our operations upon the road, and the cost having largely exceeded the estimates of our engineers, led us clearly to perceive, that with

our own means, we should be unable to complete the road. At this time the state was actively engaged in prosecuting her various works of internal improvement, and the people of the northern section of the state, were anxious for the completion of the Pontiac road.

Petitions were circulated and freely signed by the inhabitants, praying the legislature to extend aid to the company, to enable them to complete the road to Pontiac. The legislature liberally responded to their petitions, by authorizing and instructing the treasurer to issue and deliver to the company, special certificates of stock to the amount of one hundred thousand dollars, upon the condition that the company or individuals, secured the payment of the interest and principal of said bonds by executing mortgages upon unincumbered real estate of the cash value of two hundred thousand dollars; the legislature not deeming the railroad sufficient security, from the fact, that the charter made the railroad liable for the ultimate redemption of circulating notes of the bank.

The citizens who felt interested in the early completion of the road, and had perfect confidence in the integrity and honesty of the company, came forward and offered to aid in giving the necessary security, provided the company would obtain the loan and go on with the work. The security was accordingly made out and accepted by the auditor general, and the state's bonds delivered to the company, and the work resumed with that spirit and energy necessary for its speedy completion.

At this time, and for some time previous, the bank (connected with our railroad,) had a circulation of upwards of ninety-thousand dollars, which circulation it had always sustained without trouble, and the bank maintained as good credit as any other country institution in the state. Soon after this, however, the utter destruction of confidence in banks, by the failure of all the banks under the general banking law, caused the holders of the liabilities of this institution, (as well as that of others throughout the state,) to press them home for redemption. In the month of April last, the company found all their means exhausted—the bank compelled to suspend payment—the road unfinished—and themselves in debt to laborers and contractors, about nine thousand dollars.

Since that time, the receipts of the road have been applied to the payment of the debts due to the laborers and mechanics, the company believing that justice required that they should be paid their hard earnings in preference to its being appropriated to the payment of the interest on the state bonds.

The consequences of a failure to meet the interest on the bonds, are, the auditor general and state treasurer have in compliance of law, advertised the road for sale, and also a sale of

the real estate under the mortgages. To avert the absolute and total ruin of quite a large number of respectable and worthy citizens, who came forward and pledged their property to carry out this enterprise, and to secure ourselves and our families against the loss of the entire fruits of our whole lives, we have appealed to the liberality and magnanimity of the legislature.

The road is now in operation eighteen miles, and cars have been running on it that distance, since the first of September last, previous to which, there were but twelve miles in operation. Our receipts for the year, ending 1st January, 1840, over and above all expenses for repairs of road, cars, engines, pay of agents, engineers, and all incidental expenses, have been eight thousand seven hundred eighty-nine dollars and thirty-seven cents. The right of way for the unfinished portion of the road has been purchased, the grading more than two-thirds done, and all the timber on the ground; a large portion of which is framed, ready for immediate use. The expenses incurred on the unfinished part of the road, exceed seventy-five thousand dollars, and although the sum required to finish the road is comparatively small, yet it is wholly out of our power to obtain it. We, therefore, hope your honorable committee may deem it expedient to report a bill providing for the purchase of the road upon some terms; and in case the honorable, the legislature should see fit to pass such a bill, we should be glad to lease the road of the state, for the term of ten or fifteen years.

To have the machinery appraised at the commencement of the lease, by competent appraisers, and at its expiration, return to the state, machinery of equal value, and to pay into the state treasury, for the use of said road, a sum equal to an interest of six and a half per cent, per annum, upon its cost, or the price the company will be glad to sell it at; and before entering upon the lease, to give security to the satisfaction of the auditor general, for the faithful performance of the contract. A bill, similar in its features to that passed by the senate last winter, providing for the paying of the company any balance that may be due them on appraising the road, in six per cent. bonds, having twenty years to run, would be gladly accepted by the company; as they should with those securities, be enabled to pay their debts, and save from ruin their fellow citizens who have pledged their farms to secure the original loan.

With the hope, gentlemen of the committee, that you will give the subject referred to you, a favorable consideration,

We have the honor to remain,

Your obedient servants,

(Signed,) SHERMAN STEVENS,
ALFRED WILLIAMS.

Your committe consider the petitions of the inhabitants of the northern section of the state, worthy of a favorable consideration, not only from the respectability of the number, but in the apparent justice of granting the subject matter of their prayer. The petitioners say, without attempting to find causes which superinduced a former legislature to loan the public funds, and pledge the faith of the state, to build, or enable others to build the Detroit and Pontiac railroad, they would respectfully urge the propriety and expediency of purchasing the work. Such an act would, in their opinion, secure at the least possible hazard, the moneys and faith heretofore loaned to the company. They further say, they feel aggrieved to know that every avenue to the capitol of the state, and the great commercial emporium of the country, is closed against them, and that no northern man can reach the capitol without paying tribute to an incorporated company. They therefore pray that a law may be passed for the purchase of the road, in order that they may cast their mite into the treasury of the state.

The committee also consider the results contemplated in the senate bill for the extension of the time for the completion of the Detroit and Pontiac railroad, as necessary to be arrived at, in case of a transfer of the road to the state, in order that the chartered rights, privileges, and franchises may be transferred also.

With a view to the interests of the state, and a proper regard to the petitions and matters referred to us, your committee have, with great care, drawn up the accompanying bill, which they respectfully recommend should be passed.

All of which is respectfully submitted.

JOSHUA HOWARD, *Chairman.*

[No. 40.]

Communication from Michigan State Bank, explanatory of document No. 36.

MICHIGAN STATE BANK,
Detroit, February 15, 1840.

Honorable HENRY ACKER,
Speaker of the House of Representatives:

SIR—Will you permit me, in behalf of the board of directors of this institution, to explain, through you, a transaction which they are informed has been construed as disrespectful to the honorable body over which you preside.

Several days since, by their direction, I addressed a note to

the auditor general, suggesting such an amendment of the resolution empowering him, in conjunction with the state treasurer and secretary of state, to settle with this institution, as would protect our charter, alleging, among other reasons, that the proposed alteration would enable the stockholders to offer the state an equivalent therefor, if permitted to retain it upon certain conditions therein stated.

To this note was appended the draft of a resolution adapted to the exigency of the case.

The letter was written hastily, during the session of the board, and was not intended for transmission to the legislature, but merely to designate the alteration desired, to the auditor general, and the form of a resolution was added, to do this clearly, and save that officer trouble.

We beg you to assure the honorable house of representatives that we were quite unconscious of any impropriety in the mode of our application, and trust they will do us the justice to believe that no improper intention could have existed after the very liberal disposition manifested in our favor, upon their part.

I have the honor to be, with high respect,

Your obedient servant,

GEO. F. PORTER, *President.*

For the board of Directors.

[No. 41.]

Report of the Select Committee relative to the salary of the Governor, &c.

The select committee, to whom was referred a bill entitled "A bill to regulate the salary of the governor, and for other purposes," after due deliberation, have agreed to report the bill back to the house without amendment, and recommend its passage. In arriving at this conclusion, the committee have been influenced by a strong desire, (in this, as in all other cases coming within the scope of their duties,) to render certain, so far as possible, the power intended to be conferred upon any officer of the government, as also the amount of compensation to which such officer shall be entitled to demand for services rendered the state. In considering the provisions of this bill, the committee have had their attention particularly directed to the often mooted and perplexing question of the settlement of claims preferred by the lieutenant governor for services rendered as acting governor, in the absence of the executive from the state. The often recurrence of such cases for the last

three years, would seem to demand at the hands of the legislature, some definite action, such as contemplated by the provisions of the bill.

The bill further provides for the repeal of the law creating the office of private secretary to the governor. The committee are of the opinion that the office is unnecessary, and cannot be considered in any other light than as a mere sinecure, and in no wise necessary for the wants of the executive branch of the government. With this view of the subject, and influenced by a sincere desire to lop off every needless expense compatible with justice and the best interests of the state, your committee recommend the repeal of the above recited act.

All which is respectfully submitted.

GEO. RENWICK,
Chairman.

[No. 42.]

Report of the Honorable Rix Robinson, President of the Board of Internal Improvement.

Office of Internal Improvement,
Detroit, February 24, 1840.

In compliance with a resolution adopted by the honorable the house of representatives, on the 21st instant, the board of internal improvement have the honor respectfully to report:

That none of the agents of the public under their control, or in their employ, "have recently absconded, or attempted to abscond, having embezzled or misappropriated any of the public moneys," within the knowledge of the board.

That Thomas Clarke, late a collector of tolls on the central railroad, at Ann Arbor, has recently been detected in accounting for a less amount of the public moneys, than he has received.

That the board, through the attorney general, have commenced the necessary legal prosecutions against said Clarke, for the recovery of the moneys, thus unaccounted for by him.

The board would also state, that prior to the commencement of any legal prosecution, said Clarke executed a deed to the state treasurer, for the benefit of the state, of a house and sundry village lots in the village of Ypsilanti, and also placed in the hands of an agent of the state, an obligation against an individual residing in that place; this property and obligation are estimated to be worth from three to four thousand dollars.

All which is respectfully submitted.

RIX ROBINSON, *President.*

[No. 43.]

Special Message.

To the Senate and House of Representatives:

GENTLEMEN—I have received from the authorities of New Jersey, authenticated copies of certain joint resolutions, which have passed the legislature of that state. They relate to the extraordinary exclusion from their seats in congress, of five of the six representatives, to which, by the fundamental principles of the constitution of the United States, New Jersey is certainly entitled. Conformably with the request of that legislature, I herewith submit those resolutions to you, and I commend them to your most grave and serious consideration. If it be the natural tendency of our great central government, as many wise statesmen have feared, to add to its strength as it progresses in years; and, as it becomes habituated to the exercise of *power*, gradually to become regardless of *right*, then is it most true that the weaker parts of the general system, that the just rights of states can be preserved only, at the expense of constant vigilance. We, gentlemen, represent the rights and the interest, the dignity and the independence; we are the appointed guardians of one of the integral and component parts of this great nation. We must not remain silent and unmoved, while a power is being assumed, and a precedent is being hazarded by the natural authorities, whose ultimate tendency may be, fatally to disturb the harmonies of our complicated system, or to bring into danger all that is most estimable in our institutions.

The treasure, the utmost strength, the best blood of our fathers were expended in obtaining the freedom and the independence of our common country. The learning, the wisdom, and the unsullied patriotism of our ancestors, combined to devise and establish forms of state government of unequalled excellence, and through the smiles of a benignant and approving Providence, the great work of the revolution was crowned by our blessed union. To us, their children, in common with the fellow citizens of the other states, this union, the constitution of the United States, which seals it, all these great blessings were committed for preservation and protection. Nothing can excuse a neglect of the sacred trust!

How far the grievance set out in the preamble and resolutions, which I communicate to you, involves principles of so vital consequence, I respectfully refer to your deliberate attention and considerate judgment.

That you may the more conveniently review the whole subject, I likewise herewith communicate to you a copy of the special message of the governor of New Jersey, with the docu-

mentary matter appended to it. These exhibit as well the reasoning as the facts, upon which the action of the legislature was founded. Though not specially requested to present these documents, also, to you, yet the statement they contain, and the earnest and dignified view, which is there taken by the governor of New Jersey, present a case so imposing that I cannot doubt the propriety of making that also a subject of this official communication to you. And if, upon a calm and careful consideration of this subject, you should be of the opinion that *wrong* has been done; that a wound upon the dignity and honor of that *venerable* and examplary state has been sought to be inflicted, the course of duty seems clearly indicated; it is that in terms tempered by a forbearance and respect, becoming a young and feeble member of the confederacy, but yet, with the manly frankness which belongs to the representatives of a "free and sovereign state," you remonstrate against the injustice done, that you *protest* against a precedent so replete with danger to the interest and the safety of the union; and that you cause your sentiments to be made known in an appropriate but respectful manner, to the congress of the United States, and placed also among the archives of our sister states.

WM. WOODBRIDGE.

Executive Office, February 21, 1840.

State of New Jersey.

EXECUTIVE DEPARTMENT,
Trenton, January 24, 1840.

SIR—I have the honor to enclose a copy of a preamble and resolutions passed by the legislature of the state of New Jersey, at their present session, and to request that you will lay the same before the legislature of the state over which you preside.

With high consideration,
Your obedient servant,
WM. PENNINGTON,
Governor of New Jersey.

To His Excellency the Governor of Michigan.

To the Legislative Council and General Assembly of the State of New Jersey:

GENTLEMEN—I herewith transmit a communication, recently made to me from Washington, by five of the members of congress from this state, announcing that they have been ex-

cluded from their seats in the house of representatives, and in the most extraordinary manner. I present it to you with feelings of the most painful regret, that an event should have occurred so calculated to disturb the friendly relations which have hitherto subsisted between this state and the federal legislature. And in this feeling you will, I am sure, fully participate.

By this violent proceeding, the authority of the state has been treated with contempt, and she is despoiled of one of her most precious constitutional rights. Without indulging any expression of the natural feelings which the occasion is so well suited to inspire, and under a deep sense of the obligation of the executive to communicate fully with the legislature in a case which so intimately affects the interests of the people, and the reputation and sovereignty of the state, I commend the subject to your prompt and serious consideration.

By the constitution of the United States, the power of holding elections for representatives in congress, the times, places and manner, are expressly reserved to the states, until they are altered by a law of congress. Accordingly, this state, in common with every other member of the Union, has made full provision on the subject. Our laws prescribe when and where the election shall be held, how the result shall be ascertained, and by whom the commission shall be granted. This commission under the seal of the state, gives to the holder a right in the first instance to be sworn, and to take his seat as a member of the house. Thus far, the power of the state authorities are complete, and cannot be intercepted by any authority known to the constitution. It was seen, however, by the framers of the constitution, that cases might arise in which, from a non-compliance with the laws of the states, or by frauds in the election, the person holding the commission would not, in justice and equity, be entitled to the seat. The provision, therefore, was wisely made, that each house of congress shall have the right to judge of the elections, returns and qualifications of its members. But you will observe that they must first become a *house* within the meaning of the constitution. It could never have been intended that a body of individuals assembling at Washington, at the time fixed for the meeting of congress, before they are organized or even sworn, and before the necessary officers are chosen to preserve order, should be deemed a house of representatives. When they become duly organized, and not before, the house is constituted "the judge of the elections, returns and qualifications of its own members." It may then, on application of others, claiming a better right, investigate fully the title of any member to his seat. It is then competent to inquire into the elections, to receive evidence, send for persons and papers, look into the returns, correct irregularities and frauds, and to do whatever else may be neces-

sary to enable it to "judge" whether the persons holding the commissions, or the claimants, have been duly elected by the people. By this course of proceeding, no state can be unrepresented, and any injustice or informality that may arise from the imperfect or irregular operation of the state laws may be corrected.

It is no part of our complaint, therefore, that the house of representatives should, when organized, investigate, and investigate thoroughly, the qualifications and pretentions of its members. That it possesses the power in its fullest extent, and has alone that power, has never been doubted or denied. But it is the attempt of an unorganized body of men to exercise this high prerogative, without the forms of law, of which we complain, and which act can be characterized only as a monstrous usurpation. It was by a summary proceeding of this sort that New Jersey has been deprived of five-sixths of her representation in congress. The title of the five representatives who have thus been excluded without a hearing, without investigation, and without even so much as the form of a trial, has not been impeached in any respect whatever, and they now stand clothed with precisely the same powers, and are entitled by the constitution and laws, to equal privileges with the men by whose concurrence they have been excluded. What other views can we take of this case than as an insult offered directly to the state, whose commissions these gentlemen bear, and a violation of the constitution of the United States?

This proceeding is materially aggravated by the fact, that the house is engaged in the transaction of business which deeply concerns the people of New Jersey, the same as if they were fully represented. A large appropriation of the public moneys has already been made without regard to the claims of this state to a voice on the subject. With the same propriety, the representatives from the other states who have conspired to exclude New Jersey thus far, from her proper participation in the business of the house, may go on without her consent, to appropriate the public revenues, alienate her title, (sealed with the best blood of the revolution,) in the public domain, or involve us in all the consequences of a disastrous system of finance. As a precedent, it is fraught with the greatest mischief, and if the positions which have been assumed, are to prevail, the very first principle, and the only security of a representative government will have been subverted. It will then always be in the power of a minority to rule, since the mere act of questioning the title of members deprives them of their seats. It is believed that the case is without a parallel in the history of legislation. I may venture to say, that no example of the kind can be found in the history of any state legislature, in the usages of congress, or the British parliament.

The case is not at all affected by the well known fact, always understood and recognized, that there is a grave question as to five of the seats from New Jersey, to be settled ultimately by congress. There are two returns from townships, which under the laws of the state, could not be counted by the state officers. Whether they are such as should be counted by congress, (which has a very different power over them from officers acting under the positive directions of the statute of the state,) is a question for the house to settle. There is still another and more important question remaining, growing out of frauds alledged to have been committed, not by mistake or oversight, but by a systematic plan to allow aliens not naturalized, the privilege of voting. As to one of the disputed townships, we are not left to conjecture on this point, for you will remember that the fact was clearly ascertained by an open examination before the legislature last year. I pretend not to know, and if I did, should think myself not warranted in expressing any opinion as to which of the two parties claiming the election, will appear on a full and final examination, entitled to the seats, and have no other desire than that justice should be done. But all this has no just bearing on the case before us. It constitutes no ground of justification for that violent *ex-parte* proceeding by which the case was prejudged, and the state left with but a single representative on the floor of congress.

What were the pretexts for this act? The claimants produce a certificate from the secretary of state, of certain estimates and returns, by which it would appear that if the returns from two townships in the state, which were rejected returns, and never forwarded to the governor, had been counted, there would be a majority of votes for the claimants. This certificate possesses no authority whatever. It does not relate to any paper or record belonging to the office of the secretary of state and was issued without the authority of law. It might as well have certified a private letter or a column of a newspaper. In the absence of a more convenient place of deposite, it has been customary for the governor to lodge executive papers in the secretary's office for safe keeping, and that practice was followed in the present instance; but they form no part of the files or records of his office.

Is it alleged that any law of the state was violated in the manner of awarding the certificates? There is your statute book, and by it the governor and council are directed to make up the result from the clerk's returns, and from them alone; and the commissions were awarded after a careful estimate of the returns from all the clerks in the state. Without a violation of the law and of my official oath, without passing by the advice of the council, and disregarding the unvarying

practice under the law from its enactment, no other course could have been adopted. I take my stand by the side of the laws of the land; and amid the storms of party, seek no other security than an approving conscience and a firm conviction of having faithfully discharged my duty. But I have the further satisfaction to know that my judgment has been fully confirmed by you, gentlemen, and by the people of the state. But suppose it were otherwise? Do you hold your executive responsible for his acts to the congress of the United States? This would be new doctrine for an independent state. I am alone responsible for my public acts, let me say, to the legislature and the people of my own state; and I deny all right to pass upon them officially by any other earthly power. Whether, therefore, the decisions in granting the certificates was right or wrong, congress, at all events, is bound to receive the credentials thus furnished, as the mandate of the state to them, that they admit their representatives to their seats, until others can show a better title.

I have thus presented to you my views of this case. I find in it no palliating circumstances—nothing but a most unprovoked violation of our rights as a state, and impeachment of our character as a people. What action you may think proper to take upon it, must be left to your judgment and sound discretion. As the immediate representatives of the people, you best know their feelings and their wishes. If there be not a deep and settled feeling of injury in the minds of the people, I have not properly appreciated their character. It is not among the least alarming features of the case, that the question has always been carried against the rights of New Jersey by a party vote.

I trust, gentlemen, you will vindicate the abused honor and violated rights of the state in firm and manly tones—that you will enter your solemn protest before the country, against the usurped powers of congress, and call upon them, even now, to reconsider and reverse an act which can only tend to alienate the feelings of a state among the most devoted to the Union.

I would now, and forever, deny the power of congress to bind this state by her acts, while she denies us a representation in that body. There will be but one feeling with your sister states; they cannot but see, in this act towards New Jersey, what may be their own fate, whenever, for party purposes, the like action towards them shall seem expedient. They should be called on to declare their opinions on the powers, now for the first time asserted on the floor of congress.

While I am satisfied that, consulting the wounded feelings of the people, you cannot reprobate, in too strong terms, the whole of this proceeding as unconstitutional, illegal and void,

I would still desire that you may be led into no violent or indiscreet action. The people of New Jersey are friends to their country, and will abide by her fortunes for weal or for woe. I would see you take counsel from your patriotism, as well as from your feelings, knowing that it is always more noble to suffer wrong than to do wrong, and in the hope that the day will yet come when our public councils will be guided by men who will regard the constitution, the laws, the rights of the states, and the peace and harmony of their country.

WM. PENNINGTON.

Trenton, January, 14, 1840.

Documents accompanying the Message.

To His Excellency, WILLIAM PENNINGTON,
Governor of the State of New Jersey:

May it please your Excellency:

We, the undersigned, representatives of the state of New Jersey, in the house of representatives of the twenty-sixth congress of the United States, being excluded from the performance of our official duties, in violation as well of the constitution and laws of the United States, as of the laws and rights of our own state, would respectfully submit to your excellency, and through you, to the legislature and the people of New Jersey, the following statement:

Shortly after the late election for members of congress, commissions under the great seal of the state, and signed by your excellency, a copy of which is annexed, (marked A.) were forwarded by the secretary of state to us severally, constituting us representatives of the state of New Jersey in the twenty-sixth congress. Although fully satisfied that the decision which had awarded them to us was not only correct, but under the laws of the state unavoidable, yet being apprised that in consequence of the failure of the election of officers in two townships to make proper returns, their votes had been lost, we thought it not right to act under the commissions, unless assured that we were entitled to them by a majority of all the legal votes cast in that state. At the same time we did not feel justified in refusing them, as information from sources entitled to respect, had induced us to believe that we had such majority. The investigation of the Cumberland election by the legislature, soon changed this belief into certainty with respect to one of our number. Knowing, however, that the further examination requisite to determine the rights of the others, would be attended with great difficulty, and if brought before the house, with great expense and delay of public busi-

ness, we thought it best, on the first opportunity after our commissions came into effect, to make our late competitors an offer to resign, and submit the question to the people, as that could be done at the annual state election without the least additional trouble or expense. This offer was refused; but still unwilling to avail ourselves of our position, unless satisfied of the equity of our claim in addition to the perfection of our legal title, we, at our own expense, instituted an examination; and although prevented by the want of a law for the purpose, and by the opposition and threats of those interested in suppressing it, from getting the greater part of the evidence, then in the form of depositions, we found enough to assure us that we could prove we had received the majority of the legal votes. After this we could no longer hesitate; and, in obedience to our commissions, took our seats in the house of representatives on the first day of the session. The clerk of the house in the last congress, in conformity with the usage which has obtained for many years, commenced calling the roll of members from the several states in their order, but on coming to New Jersey called Mr. Randolph only; and then stated "that there were five of the seats belonging to representatives of this state contested; and, not feeling it his duty to decide the question of a right to them, he would, if such a course should be approved by the house, pass over the remaining names until the other states should have been gone through with, and then submit the evidence in his possession, touching the rights of the several claimants to seats from that state." Regarding this course as insulting to our state, we demanded that the evidence should be read, and that the persons producing such credentials as were required by the laws of the state, should be called in their proper order. A debate ensued, in the course of which it appeared that the *evidence* in the conflict with our commissions was a paper purporting to be a certificate of the secretary of state of New Jersey, stating the result of *his* examination of the returns of the county clerks, and also of the returns of votes from the two townships not included in the county returns, and which he alleged to be on file in his office. A copy of this paper, which, however worthless in itself, should be preserved in connection with the event, is annexed, (marked B.)

The clerk professed to regard this hearsay statement of an unauthorized individual, as at least equal in validity to the highest kind of evidence known to the law, the testimony of a state by its great seal; and it soon became apparent that in so doing, he was merely the tool of others, and that almost the entire administration party in the house would sustain, by their votes, this monstrous assumption.

On the fourth day of the session, in consequence of the clerk's refusal to put any question but that of adjournment,

and after he had clearly intimated that he would not comply with the written request of a majority of those whose seats were not disputed, to enrol our names, the honorable John Q. Adams was called to preside in the meeting. The debate was then continued upon a resolution directing the clerk to call the names of those holding the regular and legal commissions from the executive of our state, which was subsequently laid upon the table, the members having in the meanwhile decided by a small majority, that even on a collateral question our votes should not be counted; and at the same time, by an unanimous vote, repudiated those which the claimants of our seats had given.

A resolution was then offered by Mr. Rhett, of South Carolina, and adopted, "that the house will proceed to call the names of gentlemen whose rights to seats are not disputed or contested; and, after the names of such members are called, and before a speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the elections, returns, or qualifications of all claimants (Mr. Naylor and Mr. Ingersoll excepted,) to seats contested upon this floor." Believing that the members from other states, before the organization of the house, and before taking the oath to support the constitution, had no power to question the decision of the state authorities, and that all such proceedings were in direct violation of the constitution, as well as an express law of the United States, and a high-handed outrage upon the laws, rights and dignity of the state of New Jersey, we presented, through our colleague, Mr. Randolph, our solemn protest against them; a copy of which is annexed, (marked C.)

A resolution, offered by Mr. Wise, of Virginia, "that the credentials of the following members, John B. Aycrigg, John P. B. Maxwell, William Halsted, Charles C. Stratton and Thomas Jones Yorke, are sufficient to entitle them to take their seats in the house, leaving the question of contested election to be afterwards decided by the house." was put and lost by a tie vote of 117 to 117. After several other resolutions had been proposed and discussed, but no decisive vote taken, the members proceeded to the election of speaker, without further hearing or adjudging upon the election returns or qualifications of the claimants to the contested seats. Thus by a tie vote of a minority of the members actually present on the floor, was the testimony of a state, authenticated in the most solemn form, set aside, without proof, without trial, in defiance of uniform usage and of the clearest provisions of the constitution and of law; the laws of the state annulled, and she deprived of almost her entire representation in the house. It is the first outrage of the kind in this nation, and probably the first that has ever disgraced the history of a regular representative go-

vernment. An attempt will no doubt be made to palliate it by the plea, that had all the votes been properly returned by the officers of election, our opponents would have had a majority. How little influence this really had, is apparent from the fact, that Mr. Naylor, of Pennsylvania, with the regular and legal credentials of his state, and an acknowledged popular majority of more than seven hundred, escaped the same treatment by a vote of only 119 to 112, with all our votes in his favor, and only three of the claimants for our seats voting against him, though his exclusion was not necessary to secure a clear administration majority in the house.

We, considering the whole of these proceedings unconstitutional and void, and knowing that our rights, derived from the laws of our state, did not thus depend upon the will or caprice of our fellow members, offered our votes in the election of speaker, and demanded they should be recorded; and after the speaker had been chosen, and the other members sworn in, presented ourselves to him, and demanded to be sworn. The speaker replied, in substance, that had the question then arisen *de novo*, he should not have hesitated to administer the oath, but, in consequence of the previous proceedings, he thought it his duty to submit it to the house. After other propositions had been discussed and withdrawn, a resolution offered by Mr. Evans, of Maine, "that the representatives of the twenty-sixth congress of the United States, do advise and request the speaker to administer the oath required by law to the five gentlemen from the state of New Jersey who have presented credentials to the speaker, and demand to be sworn," was lost by a vote of 112 to 116. For a more perfect detail of all these proceedings we must refer to the journals of the house, a copy of which will be forwarded to your excellency.

Having on every proper occasion asserted the rights of our state, and of ourselves as her representatives, and ascertained that even the oath to support the constitution will not change the determination of the majority, we think it useless further to press our claims at the present time. Our feelings as Jerseymen strongly urge us to withdraw at once from a body which has thus disgraced itself in attempting to degrade our state; which has denied the authority of her laws, refused credence to her testimony, and trampled upon her rights; but duty forbids us to leave the post to which our commissions have called us, until compelled by power which we cannot resist, or released from our obligations by the state herself. We are still, by the constitution of the United States and the laws of New Jersey, her representatives, and although excluded from acting as such by an exercise of lawless and revolutionary power, it is our duty to maintain our places and assert our rights, as far as

we can, without useless controversy and embarrassment to the business of the nation. It is our intention, unless the right is denied to us, or subjected to conditions degrading to our state or ourselves, to produce before the committee of elections, when appointed, evidence to show that we received a majority of the legal votes. But this will be done solely as an act of duty, in order to present the case fairly before the house and the country, and not with any idea of influencing the result. We have no such expectations. Those who thought our exclusion necessary to give them the majority will feel it still more necessary to secure their power. Having violated the constitution in their first act, and decided against us without proof, and in defiance of conclusive evidence and the strongest provisions of law, it would be idle to hope that they will now regard the obligations of justice.

It is proper to mention, that, after the debate in the meeting of the members had continued about a week, we received a letter from gentlemen claiming our seats proposing that we, as well as they, should retire from our seats, and wait the further order of the house. It is almost unnecessary to add, that this proposition was at once refused; but in order fully to show its character and the reason for its rejection, the correspondence is annexed, (marked D. and E.)

Having thus submitted a statement of the circumstances connected with the most flagrant violation of state rights, which has yet occurred in the Union; and, we may add, the most extraordinary outrage upon law and constitutional rights ever committed in a representative body in any country, not in actual revolution; permit us in conclusion to say, that impressed with the highest responsibility of the station in which the commissions of our state have placed us, we have endeavored faithfully and conscientiously to discharge its obligations, feeling that duty only is ours, while events are in the hands of Him who controls the destinies alike of individuals and of nations.

With great respect,

Your obedient servants,

JNO. B. AYCRIGG,
WM. HALSTED,
T. JONES YORKE,
J. P. B. MAXWELL,
CHARLES C. STRATTON.

HOUSE OF REPRESENTATIVES OF U. S.
Washington, December 21, 1839.

(A.)

Copy of Commissions of the Representatives of the State of New Jersey, in the twenty-sixth Congress of the United States.

State of New Jersey.

To JOHN B. AYCRIGG, *Esquire, of the county of Bergen, greeting:*

It appearing to the governor of the state of New Jersey, and the privy council thereof, that you have been elected by the people of the state of New Jersey to represent the said state in the house of representatives of the twenty-sixth congress of the United States. You, the said John B. Aycrigg, are therefore commissioned to represent the state of New Jersey in the house of representatives of the United States during the twenty-sixth congress.

In testimony whereof, the great seal of the state is hereunto affixed.

Witness, William Pennington, governor of the state of New Jersey, at Trenton, this first day of November, in the year of our Lord one thousand eight hundred and thirty-eight, (1838,) and of the independence of the United States the sixty-third.

[L. S.]

(Signed,) WM. PENNINGTON.

By the Governor,

(Signed,) JAMES D. WESTCOTT, *Secretary of State.*

The commissions of William Halsted, of the county of Mercer, John P. B. Maxwell, of the county of Warren, Joseph F. Randolph, of the county of Monmouth, Charles C. Stratton, of the county of Gloucester, and Thomas Jones Yorke, of the county of Salem, are all in the same form as above, the address excepted.

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(B.)

Copy of paper purporting to be a certificate of the Secretary of the State of New Jersey.

State of New Jersey, ss.

I, James D. Westcott, secretary of state of the state of New Jersey, do hereby certify, that upon a careful examination of all the returns made by the several clerks of the respective counties in said state, and filed in my office, and also return of votes given in the townships of South Amboy, in the county of Middlesex, and of Millville, in the county of Cumberland, verified by the affidavits of the several township officers of election in said townships, respectively, which said township re-

turns were not included in the returns of the clerks of said counties of Middlesex and Cumberland, and which were directed to be filed by the governor, and now remain on file in my office, of the election of members to represent this state in the house of representatives of the twenty-sixth congress, held on the ninth and tenth days of October, Anno Domini one thousand eight hundred and thirty-eight, it appears that Philemon Dickerson received 28,453 votes. Manning Force 28,314 votes, Peter D. Vroom 28,492 votes, Daniel B. Ryall 28,441 votes, William R. Cooper, 28,455 votes, Joseph Kille 28,426 votes, John B. Aycrigg 28,294 votes, John P. B. Maxwell 28,383 votes. William Halsted 28.337 votes, Joseph F. Randolph, 28,427 votes, Charles C. Stratton 28,396 votes, and Thomas Jones Yorke 28,321 votes; and by which it appears that at the said election, Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Joseph Kille and Joseph F. Randolph, received a majority of the whole number of votes given in the state of New Jersey, for representatives of said state in the house of representatives of the twenty-sixth congress of the United States.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in the said state, this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and thirty-nine, (1839,) and of the independence of the United States the sixty-fourth.

[L. S.]

(Signed,) JAMES D. WESTCOTT.

[C.]

Copy of Protest.

We, the undersigned, representatives of the state of New Jersey, duly commissioned as such, in conformity with the laws of the said state, having been in part excluded from our privileges in this meeting of the members of the house of representatives, deem it our duty to place before this body and the country our views with respect to the rights of our state and of ourselves, and the powers and duties of this meeting.

We, therefore, affirm, in the presence of the members of the house of representatives here assembled, and of the whole American people, the truth of the following propositions:

1. That, by the constitution of the United States, each state has the power to prescribe by law, the time, place and manner of holding elections for its own representatives in congress; which power includes the right of prescribing the time, place

and manner of ascertaining and making known the result to congress and the world.

2. That the determination of the state authorities, authenticated in the manner prescribed by the state laws, is the only evidence of the election of members of the house of representatives which can be received prior to the organization of the house, and is final and conclusive until reversed by the house itself, duly organized.

3. That no one who cannot produce the evidence of his election prescribed by the laws of his state, is entitled to take a seat in the house of representatives; and no one who does produce such evidence can be excluded before an investigation by the house, without a gross violation of the constitution of the United States, and the rights of the states themselves.

4. That the house of representatives cannot be constitutionally organized, nor a quorum formed, until all the states of the union have had an opportunity to appear by all their representatives, and that a constitutional quorum is not merely a majority of the representatives elect, after the arbitrary exclusion of other members on any pretext whatever, but a majority of all the members from all the states, after each state has had an opportunity to appear by her representatives, and to constitute a part of that quorum.

5. That the body here assembled, having no judicial powers, possessing no means of sending for persons and papers, not legally authorized to examine witnesses under oath, and expressly forbidden by law to go into the consideration of any business before the house is organized and the oath to support the constitution administered to its members, cannot exercise the highest judicial function belonging to the house of representatives, that of reviewing and reversing the decisions of the state authorities in relation to their own elections; and that its only power is, to require the persons appearing here as members, to produce the credentials prescribed by the laws of their respective states.

6. That the state of New Jersey, having by law prescribed the time, place and manner of holding elections, and also the time, place and manner of making known the result; and having for this purpose selected the highest kind of evidence known to the constitution, to the common law, to the parliamentary law, and to the law of nations, a commission under her great seal, and signed by the executive, has thus made known to congress and the world, that we are her representatives in the twenty-sixth congress.

This body, having, in derogation of the principles above affirmed, refused in part to recognize our credentials, and that upon the authority of a paper which, emanating from an officer

not recognized by the laws of New Jersey, regulating elections, and therefore not under the sanction of an official oath, stating merely inferences from other papers, themselves not evidence, being *ex-parte* affidavits, taken without authority of law, and without notice to us, and proved by the law itself to be false upon its face, could not be received as proof of the facts it asserts, in any court of record in the union; and an intention being manifested to carry farther this insult to our state, and to consummate the outrage upon her rights, by excluding us, her representatives, from taking part in the organization of the house, we, in the name of our *state* and of ourselves, and in behalf of our common country, and of all other states, whose rights are outraged in the violation of ours, do most solemnly protest against any such usurpation of power by this body, and do utterly disclaim its right to do an act which will be a bolder and more flagrant violation of the constitution of the United States, and of the laws and rights of the states themselves, than has ever yet been attempted in this country.

JOHN B. AYCRIGG,
CHARLES C. STRATTON,
J. P. B. MAXWELL,
WILLIAM HALSTED,
T. JONES YORKE.

Washington, December 12, 1839.

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(D.)

Copy of Letter.

Hall of Representatives, December 9, 1838.

GENTLEMEN—As the house of representatives have now been delayed for more than a week by our several claims to seats in this house, as you claim a right to seats on this floor, by virtue of the commission of the governor of the state of New Jersey, and as we claim the same right, by reason of our having received a majority of the votes of the people of New Jersey, at the election held on the 9th and 10th of October, 1838, for members of congress of the twenty-sixth congress, as this house have the constitutional right to judge of the returns as well as of the elections and qualifications of its members; and as we believe that it is in conformity with parliamentary usage and with propriety, that upon questions of this kind the parties whose rights are effected should not vote, we now propose that, waiving for the present the question of right, and for the purpose of relieving the house from its pre-

sent embarrassment, we do all retire from our seats, and wait the further order of the house.

We have the honor to be,

Yours, with respect,

PH. DICKERSON,
P. D. VROOM,
JOSEPH KILLE,
WM. R. COOPER,
DANIEL B. RYALL.

To J. B. AYCRIGG, *Esq.*, J. P. B. MAXWELL, *Esq.*, WM. HALSTED, *Esq.*, CHAS. STRATTON, *Esq.*, T. J. YORKE, *Esq.*

(E.)

Copy of Answer.

Washington, December 9, 1839.

GENTLEMEN—We have the honor to acknowledge the receipt of your letter of this date, and assure you that it would give us great pleasure to relieve the members of the house of representatives from the embarrassment into which they have been thrown by the unprecedented course adopted by the clerk, and sustained by his friends, could we do so without sacrificing the honor of our state, the dignity of her laws, and the respect due to her officers.

Permit us, gentlemen, respectfully to ask, whether you have fully reflected upon the consequences of adopting your proposition, that waving for the present the question of right we shall all retire from our seats and wait the further action of the house.

The first and most obvious is, to exclude five-sixths of the representation of New Jersey from all action, not only in the organization of the house, but in all other matters, however vital to her interest, until it shall please the majority to determine who are entitled to the seats.

Another is, that while the acts of the proper authorities in other states, are received as final and unquestionable, those of our state are to be set aside upon mere presumption. It would also be surrendering the only principle upon which a representative body can be organized, that of recognizing as final and conclusive in the first instance, the act of the delegating power duly authenticated in the form prescribed by law. And lastly, it would be a fatal precedent for New Jersey; we say New Jersey, for every other state would repudiate it with scorn. It would be established by no act of their representatives, and they would never acknowledge its validity with respect to themselves; New Jersey, alone, bound down by her own act, must bow to its authority.

And upon whom will rest the odium of such degradation? Not upon you. Not possessing the legal credentials, you could not, by parliamentary usage, take the seat without a vote of the house, even if we were to relinquish them, and therefore incur no responsibility in withdrawing; but we, bearing the commission of the state, are bound to execute its duties, or at once to resign.

We, therefore, consider it better, far better, that we should be excluded by an arbitrary and illegal act of others than voluntarily to abandon our post. The precedent would in either case be a fatal one; but in the former, fatal alike to every state, and each would feel the necessity of reversing it, while in the latter it would degrade New Jersey alone.

You refer to parliamentary usage, as sanctioning the course proposed, but we have not been able to discover any such usage; so far from it, we find every precedent against it, and throughout this long discussion, not one in its favor has been referred to.

In the case of Letcher and Moore, the parties voluntarily adopted the course which the house must have taken, as neither of them had the legal credentials; and that of Claiborne and Gholson, those gentlemen retained their seats, though their credentials were irregular upon their face; in both cases it was admitted on all hands, that had the credentials been in proper form, no question could have arisen; and until such a case can be found, we feel authorised to say, that no question has ever been made in such a case until the present time.

You allege that you received a majority of the votes of the people of New Jersey at the late congressional election; we, gentlemen, also claim that we received a majority of the votes of the people of New Jersey at that election, and upon that ground claim to be their representatives.

The people of the state, alone, have the right to send their representatives, and it is not every paper smuggled into the ballot-box by those who are not of the people of New Jersey, or substituted by the officers of election, in place of the legal votes which have been placed there, that can be called a vote of the people of New Jersey. Her votes are given only by her own citizens.

We have presented no evidence but our commissions, because these, and nothing but these, can be received before the organization of the House. But were these the only evidence we could rely upon, we should have presented them only to resign our trust.

Before we were aware that the law had awarded these commissions to us, we were informed that the ballot-boxes in several townships had been the subject of gross frauds; and the examination which followed in our legislature, with respect to

one of them, proved thus far, the truth of the charge. Aware, however, of the difficulties attending such an examination before congress, we, on the very first day on which our commissions came into effect, offered to resign them and submit the question again to the people, in the hope that effective measures would be taken in the mean time to secure the integrity of the ballot boxes. You thought it your duty not to accede to our proposition, and to resign without your concurrence would have been merely to present the same questions to the house in a more embarrassing form.

All that remained for us, therefore, was to ascertain whether or not we had received a majority of the legal votes, that we might feel justified in the one case in taking our seats, and in the other in surrendering our commissions to congress. Our examination has satisfied us, that we had such majority; our course is, therefore, clear, and while we shall avoid taking any improper advantage of our position, we must act in those cases when duty requires it.

Very respectfully, yours,

JNO. B. AYCRIGG,
JNO. P. B. MAXWELL,
WM. HALSTED,
CHAS. C. STRATTON,
T. JONES YORKE.

To PHILEMON DICKERSON, PETER D. VROOM, DANIEL B. RYALL, WM. R. COOPER, JOSEPH KILLE, *Esqs.*

N. B. As this is copied from the rough draft, which was not carefully compared with the letter sent, there may possibly be some verbal variations, though it is believed to be accurate.

Names of illegal Voters at the congressional election in 1838, *in New Jersey.*

Peter Barrant, Archibald M'Cambridge, Peter Snyder, Casper Briel, Louis Reitz, Frederick Eberhardt, William Kaltenback, William Bohrman, Frederick Witte, Nicholas Hoffman, Lewis Schaum, Aloys Abenschoen, Louis Becker, Constantine Voirsard, William Kaltenback, jun., Nicholas Buckage, James Murdock, William McCurdy, Samuel McClure, John McCurdy, Daniel Garret, Michael Schaum, Peter Rattoo, Daniel McAnall, Thomas Hutton, James Hutton, Hugh Richards, Andrew Cassady, Harman Vogading, of Cumberland county, Millville township, aliens. Levi Davis, George Day, William Ireland, Cumberland county, Millville township, non-residents in county. Jacob Hoover, Walter, Hartzog, Cumberland county, Millville township, had not paid tax.

John Tash, Henry Wick, Reuben Abbott, Horman Langley, William Davidson, Salem county, pittsgrove township, non-residents. Joseph Wattson, George Filer, John Starch, Errick

Kalts, Salem county, Pittsgrove township, minors. John Boque, Salem county, Pend's Neck, did not attend the poll. Phillip Sullivan, Sussex county, Wantage township, alien. James Brink, Sussex county, Wantage township, non-resident. Nathaniel Odell, Sussex county, Wantage township, a good vote, received, and afterwards thrown out of box. William Wallen, Sussex county, Byram township, minor. Andrew Rush, Sussex county, Frankford township, minor. Michael Lawler, Patrick Rider, —— Parks, —— Parks, Sussex county, Vernon township, aliens. Samuel A. Price, Sussex counto, Frankford township, minor.

Hugh W. Holaway, Lewis Mackey, John C. King, Thomas Price, Warren county, Oxford township, not residents one year in county. Herbert Smith, Warren county, Greenwich township, a pauper. Hugh Randall, Christopher Bowers, jun., Thomas Warner, Warren county, Greenwich township, legal voters rejected. Francis Anthony, Warren county, Independence township, alien. William Gulick, Warren county, Mansfield township, not resident.

John Gaffany, William McCartie, Patrick O'Neal, Sussex county, George Stephens, David Welsh, William Brown, Sussex county, non-residents. Dennis Cochran, George Walker, Andrew Kingsley, John Maloy, Patrick Fannel, Daniel Kelagher, William Euen, Luke Flood, Abraham N. Cannor, Daniel Titus, James Faly, John Murry, Jeremiah W. Brown, Sussex county, Newton township, non-residents. Josiah Perry, Uzal Devore, Joseph Dodder, Warren Wills, Joel Decker, Madison Coyhendell, Isaac Van Horn, jun., James Roof, James Wainwright, Joseph White, John Perry, James Fredericks, Lewis Milton, William Helm, Jacob Roe, Durand Hedden, John Price, Morris Barber, Robert Heath, Joseph P. Price, Sussex county, Newton township, non-residents. Samuel Hendershot, Philip Van Horn, Robert Gray, Jacob Roof, jun., James Roof, Sussex county, Newton township, minors. Joseph South, Beardsley Gray, Theophilus Phillips, Christian Shawner, Martin Hendershot, Sussex county, Newton township, non-payment of taxes. Morris Dennis, Eustace Brownhart, Anthony Browne, Edward Blake. William Mallary, Hugh O'Brine, Sussex county, Verner township, aliens. William Stevens, Nathan S. Nolen, Henry Weatherwalks, Justice McCoy, Charles Wood, Elijah Lanning, Francis Logan, Isaac Logan, Richard Logan, Frederick Storms, John Butler, John Cronk, Wm. H. Weatherwalks, Peter Logan, John S. Storms, Sussex county, Vernon township, non-residents. Richard C. Roe, Elijah Webb, Sussex county, Hardiston township, minors. Canda Car, Robert O. Hand, Isaac Rake, Niel Brown, James Whitford, Robert Christie, Wm. McQuord, William Caffrey, Moses Sharp, Nicholas Sweeny, John Munson, Daniel Rock-

well, John F. Moffit, John Babcock, William Dunsenberry, Jesse Martin, Henry Martin, Samuel Cox, Charles Holmes, Henry Early, Calvin Sebolt, Abert Bremer, Sims Clark, Sussex county, Hardiston township, non-residents. Wm. Longstreet, Mathias D. Garnes, Sussex county, Hardiston township, paupers.

Elias Green, Somerset county, Montgomery township, non-resident. Elias Green, (voted again in Mercer,) Princeton, non-resident. David Logan, Somerset county, Bedminster township, a minor. Moses Ammerman, Jeremiah Castner, Somerset county, Bedminster township, non-residents. Nicholas Arrowsmith, Somerset county, Bedminster township, a minor. John Buck, Henry Post, Somerset county, Bedminster township, not one year in the county. John Bigalow, Somerset county, Bedminster township, a minor. Jacob I Vandoren, Somerset county, not one year in county.

Abraham Aller, Peter Swarts, Benjamin Yanger, Hunterdon county, Lebanon township, not one year in county. Richard Hope, Elijah Hall, Hunterdon county, Readington township, not one year in county. Abraham Kletz, Hunterdon county, Tewksbury, alien. William Riddle, Robert Martin, Hunterdon county, Bethlem township, not one year in county.—Charles Parke, Hunterdon county, Alexandria township, not one year in county. George Morgan, George Jamieson, Hunterdon county, Delaware township, not one year in county. Hugh Rooks, Hunterdon county, Delaware township, a minor. Charles Swallow, Hunterdon county, Delaware township, a legal voter, rejected. Urdel Taylor, Hunterdon county, Hopewell township, not one year in county. —— Tinsman, Hunterdon county, Alexandria township.

Edwin H. Owen, Mercer county, Nottingham township, not one year in county. William Green, Mercer county, Ewing township, a minor. Lewis Evans, Mercer, Hopewell township, voted twice, once in Mercer and once in Hunterdon. Thomas Cadwallader, Mercer county, Ewing township, a legal voter, his vote was rejected.

Martin Harvey, James McCombs, James Conologue, Barny Malone, Solomon Huster, John Curley, Peter Bulger, James Cassedy, James Riley, James Roake, Malachi Good, Coly McDonnor, John McCorey, John Furgerson, Hugh Campbell, Patrick Murphy, Robert Smith, John O'Neil, Hugh Conologue, Robert Greenleaf, Middlesex county, South Amboy township, aliens. Clarkson Wilson, Somerset county, Warren township, not resident in county one year. John J. Brick, Somerset county, Warren township, an alien. Thomas A. Drake, Somerset county, Warren township, non-resident. Isaac Stewart, Somerset county, Warren township, non-resident. Augustus Moore, Somerset county, Warren township, a minor.

Abraham Bryant, Ezra Wooden, Somerset county, Warren township, not residents one year in county. Henry R. Doty, Abraham Cadmus, Somerset county, Warren township, minors, Peter H. Westervelt, Cornelius Van Scuyver, Joseph T. Wood, Bergen county, Harrington, non-residents. John Vreeland, Bergen county, Barbadoes, non-resident. Samuel Dawson, Edward Dawson, Obadiah Olden, Bergen county New Barbadoes, aliens.

John R. Outwater, Abraham E. Zabriskie, George Van Riper, Garret Van Riper, Gornelius T. Cadmus, Stephen Van Riper, John A. Van Riper, Richard Berdau, Rinear Berdan, Jacob J. Vanderbeck, James V. Jerolman, Peter R. Terhune, Garret S. Terhune, Jacob Stults, George Van Riper, Robert De Groot, John R. Beadan, Rinear L. Berdan, Herman Vanderbeck, Henry A Hooper, Paul Vanderbeck, Paul P. Vanderbeck, Casparus Hough, jun., John Zabriskie, John Luke, Peter G. Doremus, Stephen G. Terhune, Lodowick Young, Garret Van Wagoner, Henry D. Garretson, Beter H. Ackermon, Garrabrant V. H. Berdan, John J. Berdan, Bergen county, Saddle river. All these men swear that they knowingly voted the whig ticket, containing the names of all the whig candidates; and yet when the votes were counted there were only twenty-four whig votes taken from the ballot box; thus showing that at least eight whig votes has been purloined from the ballot box, and as many more Van Buren votes put in, making a difference of sixteen votes, which should be deducted from the majority in this township.

If we have 32, and the whole poll consists, as appears by the judge's return, of 126, then the Van Buren candidates can have but 84 votes, instead of 103.

Result of illegal votes discovered, is as follows:

Aliens,	79
Non-residents,	105
Minors,	22
Persons who had not paid tax,	7
Legal votes rejected,	4
Paupers,	3
Persons who voted twice,	2
Other illegal voters,	5
The Saddle River box robbed of eight whig votes, and eight Van Buren inserted,	16
Number of illegal voters already discovered, who voted the Van Buren ticket,	243

Joint Resolutions.

Whereas, it appears, from a report made by John B. Aycrigg, John P. B. Maxwell, William Halsted, Charles C. Stratton and Thomas Jones Yorke, five of the persons duly commissioned as representatives of the people of New Jersey in the twenty-sixth congress of the United States, to the governor of this state, and by him communicated to the legislature, that, at the time and place prescribed by law for the meeting of that congress, they appeared and produced their commissions as such representatives, and claimed the right to unite with the representatives of the other states of the Union in forming and organizing a house of representatives, but by the acts of a portion of those representatives, were prevented from exercising that right, and are still excluded from any participation in their proceedings and deliberations—by which acts, the people of New Jersey are deprived of their just voice in the councils of the nation, at a time when measures of great public importance, and deeply effecting their feelings and interests, are to be acted upon, their state authorities and their seal are treated with indignity, and a precedent is sought to be established, which, if not promptly and successfully resisted, may hereafter be used to justify the rejection of electoral votes, or the exclusion of any number of duly commissioned representatives, that a designing and unprincipled faction may deem necessary, to secure to itself the control of the national legislature: *And whereas*, in this unprecedented emergency, it becomes the solemn duty of New Jersey firmly to oppose this attempt to subvert the fundamental principle of a free representative government, and to call upon her sister states to disavow and redress the wrong which has been perpetrated by a portion of their representatives: Therefore,

Be it resolved by the Council and General Assembly of New Jersey, That the state of New Jersey became a party to the Union, upon the express condition, embodied in the constitution, that, in common with her sister states, she should be at all times entitled to a number of members of the house of representatives proportioned to her population, and that, by the laws passed in pursuance of that constitution, she is now entitled to *six* representatives.

And be it resolved by the authority aforesaid, That until congress, shall, by law, make some regulation of the subject, the legislature of each state has, by the constitution, full and exclusive power to prescribe "the times, places, and manner of holding elections for representatives," which necessarily includes the power to prescribe the manner in which the result of those elections shall be ascertained and certified.

And be it resolved by the authority aforesaid, That, as the le-

gislature of New Jersey has prescribed a commission granted by the governor under the great seal of the state, as the only mode in which the election of her representatives shall be officially certified, such a commission, issued in due form of law, confers upon each person to whom it is granted, a full and perfect right to claim and exercise all the powers and duties of a representative of the state, until a regularly constituted and organized house of representatives, after due examination, shall have solemnly adjudged that he is not elected, or not qualified, and that any other mode of certifying such election, is utterly invalid and unknown to the laws of New Jersey.

And be it resolved by the authority aforesaid, That a house of representatives cannot be constitutionally and lawfully organized and invested with any authority, judicial or legislative, while a single representative from any state, duly returned and commissioned according to the laws of that state, is excluded from his seat, or denied the rights and privileges of a representative.

And be it resolved by the authority aforesaid, That the late acts of a portion of the representatives from the several states, by which five of the persons who were duly commissioned under the great seal of the state of New Jersey, as her representatives in the twenty-sixth congress of the United States, were prevented from exercising their rights and discharging their duties as such representatives, were a palpable violation of the constitution and of the parliamentary law established by reason and unvarying usage, a precedent of most alarming and dangerous character, and a gross outrage upon the rights and feelings of the people of New Jersey.

Therefore, be it resolved by the authority aforesaid, That, in the name and behalf of the people of the state of New Jersey, we do hereby solemnly *protest* against the acts aforesaid, as unconstitutional, unwarranted and unjust, and against any assumption by the remaining representatives from the several states, of the right or authority to exercise any of the powers conferred upon a constitutional house of representatives, and more especially against the attempt to enact any law for regulating the collection and disbursement of the public revenue; for disposing of the public lands, or the proceeds thereof; for pledging the public faith or credit; for imposing any tax or duty or for the apportionment of representatives, until the people of New Jersey and their duly commissioned representatives shall have been restored to the rights of which they have been wrongfully deprived.

And be it resolved by the authority aforesaid, That a copy of the foregoing preamble and resolutions, certified under the great seal of the state, which, since seventeen hundred and seventy-six, has been, and still is, the constitutional and cher-

ished emblem of the sovereignty of New Jersey, be transmitted to the Hon. R. M. T. Hunter, a representative from Virginia, with a request that he would lay the same before the other representatives from the several states, now assembled at Washington.

And be it resolved by the authority aforesaid, That a copy thereof be transmitted to the governor of each of the several states of the Union, with a request that he will cause the same to be laid before the legislature thereof, and also to each of the senators and of the six representatives of this state.

In Council, January 23, 1840.

These joint resolutions having been three times read in the council,

Resolved, That the same do pass.

By order of council.

JOSEPH PORTER,
Vice President of Council.

House of Assembly, January 21, 1840.

These joint resolutions having been three times read and compared, in the house of assembly,

Resolved, That the same do pass.

By order of the house of assembly.

WILLIAM STITES, *Speaker.*

State of New Jersey.

I, James D. Westcott, secretary of state of New Jersey, do hereby certify, that the foregoing is a true copy of certain joint resolutions, passed by the legislative council and general assembly [L. S.] of said state, on the twenty-third day of January, A. D. one thousand eight hundred and forty, as taken from, and compared with the original, now on file in my office.

In testimony whereof, I have hereunto set my hand, and affixed my seal of office, at the city of Trenton, this twenty-fourth day of January, A. D. one thousand eight hundred and forty.

JAMES D. WESTCOTT.

[No. 44.]

Report of the Judiciary Committee on the subject of abolishing the Board of Commissioners, &c.

To the Speaker of the House of Representatives:

The committee on the judiciary, to whom was referred the several petitions on the subject of abolishing the board of

county commissioners and re-establishing the board of supervisors, having had the same under consideration, the majority of said committee, beg leave respectfully to report: that in every department of government, change of system is to be avoided if possible, and unless benefits of a general or abiding character, are, with a reasonable degree of certainty, to be calculated upon as the results of any fundamental change, evils of a minor, local or temporary character, are better left to time and gradual amelioration, by improving the system rather than, on the first discovery of objections or inconveniencies, to subvert and discard the whole system as radically defective, when, at the same time, in fact the evil may not exist in the system but in its administration. In a state like ours, change is inevitable. The wise precaution of the legislature, then, should be to guard against it, and prevent as far as may be, the evil effects of such a tendency to change. All the new states of the union, and Michigan among the rest, have from this one fact suffered more than from all other causes combined; their legislation has been but a history of changes, and before any one system could be established and understood by our citizens, it would be succeeded by another and another, in so rapid succession, that their laws have become proverbial for their uncertainty.

But this constant tendency to change, and uncertainty in our laws is not perhaps to be wondered at, coming as our citizens do, from almost every state in the union, and suddenly thrown together with opinions formed as often by force of association and habit in their native state, as by any process of reasoning which should peculiarly adapt any given system to our own state. Of the truth of this proposition, the subject now under consideration, affords a striking illustration; for as a general thing, with almost the uniformity of cause and effect, ask those of our citizens who have been familiar with the system of county commissioners in their native state, or the supervisor system, and they will tell you the one or the other is the preferable system for this state, according as they heretofore have been accustomed to the one system or the other.

These preferences, on the part of our citizens for the one system or the other, are natural and indeed commendable, and in no wise derogate from the intelligence of the citizens or the merits of the respective systems, and are only alluded to as a strong reason why the legislature should sanction no change, unless upon the showing of radical defects in the existing system, which the majority of your committee are unable to perceive. In their examination of the subject, in all its bearings, they have been led to the conclusion, that no important interest will be promoted, (at present at least,) or so important as to justify any change in the present mode of county organiza-

tion; the present system is, as, yet, in this state, an experiment, and cannot be said to have been fully tested.

The present system has been adopted, and the economy of the state has been arranged with reference to it; any change, therefore, until a fair trial has been had of its relative merits or demerits, would not only be in itself capricious but draw after it uncertainty and expense, which present exigencies, in the opinion of your committee, in no wise called for.

In the opinion of a majority of your committee, the present system, when it shall have become fully, developed in its operations, will be found preferable to the board of supervisors in economy and convenience to the counties, as well as ensure greater efficiency, certainty and regularity in the management of the revenues accruing to the state.

By the present system during the past year, (for it has been but one year in operation,) in some of the counties great saving has been effected in the expense of discharging the various duties imposed by law on the counties, when compared with those incurred under the former system; a consideration of much practical importance, and greatly in favor of the system, and ought, in the opinion of a majority of your committee, to have much weight to induce the legislature to leave it untouched, unless it can be clearly shown that private right and justice are exposed from its longer continuance.

The main objection of a tangible character urged against the present system, and in favor of a restoration of the supervisors as a county board, that have met the observations of a majority of your committee, are two. First. That the system of supervisors insures that equality in the tax rolls of the several townships in the counties, and a consequent equality in the public burdens, which is unattainable under the present system of commissioners. And second. That the present system is aristocratic in its character.

If these objections are well taken, and actually exist, as inherent evils, inseparable from the system itself, and not merely evidences of a defective organization or mal-administration, then it would not only be the duty of the legislature to abolish the present system, but perhaps to establish that of the supervisors.

But a majority of your committee can, (from the short time the system has been in operation in this state,) perceive no such inherent defects, and no substantial reason why, under the present system, the just equalization of taxes cannot be as surely, and even more surely attained, as under the other, if the offices of county commissioners are filled by men of probity and intelligence, and such it is fair to presume the counties will select to occupy these important stations.

Your committee are aware it may be said, that one super-

visor from each township, will secure in the county board a more accurate knowledge of the taxable property of the county. Granting this to be true; first, the law has devolved the duty of ascertaining the amount and value of property in each township on other officers, who are to execute their trust in each of the townships; and second, some limit must be fixed to the multiplication of officers; and the same organization which would prove the propriety of one member of a county board from each township, would not stop short of assembling the entire taxable population of each county as necessary for the attainment of still greater equality in the same matter; and also, necessary to obviate another objection, that the board of connty commissioners is aristocratic in its character. For if the electors of any county, in the free exercise of their elective franchise, can create an aristocracy, then any organization of individuals (less than the whole community) from the body of either our counties or townships, to fill any offices of either profit, honor or trust, must be obnoxious to the charge of aristocracy, as is averred in some of the petitions in relation to the office of county commissioners.

It must be admitted that in some, and indeed many of our counties, the board of supervisors, of one from each township, would be an unwieldy body, little calculated in their sessions for the accurate examination of the details, and still less for the despatch of business; and for all other purposes, than what relates to our tax system, it cannot, in the opinion of the majority of your committee, be denied that the board of commissioners would be much better filled, and for this the past history of the supervisor system, as a county board, in this state, and late territory, in the opinion of your committee, show a decided preference in favor of the commissioners, so far as the two can be accurately compared, from the recent establishment of the latter in this state.

Your committee might refer to the practical operation of our present system, as illustrated by the experience of other states, where time has been given to mature the system, and develope its policy; and they should so have done had further detail been deemed requisite on a subject in which the tastes and habits of men have nearly as much force in forming opinions, as facts themselves.

And finally, out of respect to the opinions of others who may differ from them, and especially the instructions of the friends of the change proposed by the petitions in question, the majority of your committee could not have said less in reporting the same back to the house, and recommending at present no change in the organization of the counties, until at least the present system shall have been fully tested. And they wish

to be discharged from the further consideration of the petitions.

All of which is respectfully submitted.

H. T. BACKUS,
Chairman.

[No. 45.]

Reports of the Majority and Minority of the Bank investigating Committee, together with the minutes of the committee.

The joint committee appointed by the senate and house of representatives, to investigate the affairs of the bank of Michigan and the Farmers' and Mechanics' bank of Michigan, and to whom was referred that portion of the governor's message relating to the currency, report:

That the first and most important duty that the committee owed to the legislature, to the community and the banks themselves, was, to satisfy their own minds, by rigid and minute investigation, in which no mistake or fraud could possibly exist, whether the banks were solvent or insolvent; whether *their means* of paying equalled, or were *greater* or *less* than their debts due to the public. It is evident that this was the primary object for which the legislature, as the guardians of the people at large, has demanded of these institutions that they should throw open their doors and vaults for public inspection, and their business, ordinarily considered of a strictly confidential nature, should be exhibited to the public eye. The demand from the people, that an investigation of the kind above referred to, should take place, has been greatly increased by the fact that these banks, in common with those of all the western states, have, within the last three months, a second time suspended specie payments.

First. Is there, then, (the question is asked by the legislature and the people,) evidence beyond all reasonable doubt before the committee, that the banks are perfectly and entirely solvent? that they have means or assets, undoubtedly, abundant to pay their liabilities to the public? Before giving any opinion upon this point, the committee will very briefly state, in a condensed form, the evidence elicited on the examination, bearing upon this question, and they do it with the fullest confidence that the legislature and the people will be compelled, by the clearness and strength of the testimony adduced, to give, as their answer, a cheerful affirmative.

The amount that the bank of Michigan owed to the public on the 1st January, 1840, the period which the committee selected as the point to which the evidence should be confined, was $606.404 31, exclusive of the original sum paid in as stock, which cannot be considered as a debt against the bank, *until all its other debts are paid.* It is here proper to remark, that a considerable proportion of the indebtedness is not due, but is payable at stated periods, prospectively—such as the debt due to the United States and to the university of Michigan, making about $220,000, (and some $40,000 considered as lost circulation,) a part of which, as appears by the answers of the officers of the bank, has been paid since the first of January, 1840.

To pay this sum due the public, the bank exhibits means or assets amounting to $1,261,060 88, or a *sum greater than its liabilities by* $655,256 57. The mere statement of the two items would seem to preclude any doubt as to the ability of the bank to pay its debts; but, to enable the committee fully to understand the whole matter, to prevent all cavil and doubt, they have minutely examined the several items composing this aggregate amount of *means*, and the result given is furnished by the answers to the several interrogatories herewith submitted. It is stated by the officers of the bank, in the fullest manner, that, in their opinion, the debt secured by real and personal security is generally good, and they have given as a reason for that opinion, aside from their general interest, to see that its funds, when loaned out, were well secured, that a majority of the stockholders, at a meeting held during the last year, after a very careful examination of every debt due to the bank, came to the conclusion that the amount of profits on hand would fully *pay every dollar of bad debts*, while many of the debts due at that time, and considered doubtful, have since been amply secured. Of the other items put down in the statement of the bank, and answers of its officers, the committee can only state, that, as far as they can discover, it is all available except that portion of debts due from other banks, which is referred to, and fully stated, in the answers given, and they are free to say, that the opinion expressed by the stockholders that the profits on hand would pay all the bad debts and losses of the bank, seems to have been based upon a full knowledge of all the facts, and is well sustained by the examination.

If, then, the bank owes but $606,404 31, and has twice that sum in securities, coin, debts and bank notes, to pay it, the committee cannot but believe that it is perfectly and entirely solvent. Should a merchant, engaged in business, be called upon by a creditor for an exhibit of his affairs, and show that he had in cash, merchandize, real estate and debts due him, twenty thousand dollars, while he owed but half that amount,

the world would scarcely credit the man who should declare that he was insolvent. But the committee have deemed it their duty, inasmuch as this bank was employed by the auditor general of this state as its fiscal agent, during the past year, to inquire,

Secondly. Whether the bank has been during that period a *borrower* of, or *lender* to the state; whether it has used its position to further its selfish interests by the accumulation of large profits, made by the exchange of the good funds of the state, for money of less value, and whether it has been the gainer by its labor, risk and care bestowed upon the business of the state.

The evidence on this second point is extremely clear and explicit, and it establishes (as a moment's glance at the answers of the several officers of the bank, will satisfy any candid mind,) the following facts:

1. That the bank has, for the last ten months, instead of being a *borrower of the state*, been in advance, or a lender to the state, in the average sum of $181,035 72.

2. That the whole amount of interest paid to the bank for drafts on time discounted for the state, after deducting what the bank paid elsewhere as discount, to enable it to meet promptly the wants of the state, is the moderate sum of $425 68.

3. That the amount of New York funds procured by the purchase of the auditor general's drafts on account of the five million loan, for which it has not paid any premium, after deducting funds paid to the state in New York without premium, and eastern bank notes paid out at par to contractors, or in *redemption* of Michigan bank notes previously paid to contractors, was only $108,915, on which the bank made the difference of exchange, being two per cent, or $2,198 30, which added to the discounts received, make the gross amount of profits by the bank for the business done for the state, of $2,603 22; in consideration of which, the bank incurred the great risk of the non-payment of the state drafts, and has actually disbursed over half a million dollars.

4. That the bank, up to the period of the suspension, paid out to the state, both on internal improvement and general fund, specie, or the notes of specie paying banks, or drafts on New York, amounting on both sums to about half a million of dollars. The committee further deem it their duty to state, that during the period referred to, as appears by the answers of the bank, that the advances made to the state were obtained by the personal and written application of the commissioners at periods when the funds of the state were entirely exhausted; that but for these timely advances the public works must have been suspended at a great loss to the state, and the laborers engaged on those works discharged, without the means on

the part of the contractors and commissioners to pay them the amount then due. From these facts, and many others disclosed, the committee cannot but conclude that the bank, in its intercourse and business with the state, has conducted itself with perfect justness and fairness in all its operations.

But the committee did not feel that in the present excited state of public feeling in reference to our banking institutions, that the whole scope of their duty was performed, without turning their attention to another subject intimately connected with the banks of this state, as government deposite banks, and they, therefore, deemed it their privilege, nay, their special duty, to ascertain how far the embarrassments of the banks were the result of its connection with the general government; what amount of debt the bank owed the government at the suspension of specie payments in 1837; what amount was still due, and how far that debt was safe and secure. In refering to the evidence contained in the answers to the interrogatories upon this branch of the subject, the committee do not intend to enter into any disquisition upon the financial policy of the general government; but the investigation necessarily led to that period in the history of the bank when it was a government agent; and in tracing the causes of its present position, it was impossible to pass over that period when a sudden change of the policy of government effected instantaneously an entire change in the affairs of the bank. By reference to the very full answer of the president of the bank to special interrogatory of Mr. Turner, it will be seen that during the month of August, 1836, the bank held on deposite for the general government, $1,812,352, at which time the specie circular was issued, and soon after, by an act of congress, the surplus revenue was called for, from the deposite banks, from which measures combined, the bank without a moment's warning was called upon to pay this large sum of money, which it had *been previously instructed* to loan to the people. During the succeeding eight months, from August 1836, to May 1837, (the time of the suspension of specie payments) the bank paid the government *over a million of dollars*, and reduced its other liabilities during the same period over a million of dollars more. At the time of the suspension, the bank was indebted to the general government in the sum of $755,000, which from the evidence set forth in the answers is now reduced to about $80,000, with the interest, for which the government holds a bond in securities, approved by the district attorney of the United States in the sum of $500,000 as collateral security for the sum now due, so that the probability of a loss to the general government, is altogether out of the question. If the bank is unable to pay this amount on demand, need it be asked why it cannot do so? It is simply because the money was loaned un-

der positive directions from the general government, to the citizens of Michigan, and such has been the condition of things for the last three years, that to enforce from our people the collection of this debt, would be to spread ruin and desolation over our young and once prosperous state. Nor can this be considered strange, since, by the evidence before the committee, it appears that out of the debts due to the bank the sum of $832,909 is due from the citizens of this state, while the sum due from persons residing out of the state is only $123,900, and no argument, it is apprehended, is necessary to satisfy the legislature or the people, that although every dollar of this debt may be perfectly good, still that the payment of much of it must be extended until the circumstances of the state are changed. In pursuing this investigation the attention of the committee has not been confined to the three foregoing considerations, but they have felt bound, as a matter of justice to the people, who are justly jealous of all the operations of moneyed corporations, and whose distrust and anxiety has been keenly aroused by their past sufferings, to proceed a step further and to ascertain by the most searching interrogatories, the general management and condition of the bank, in many respects that are generally overlooked in investigations of this character, but as to which there is and has been a very considerable degree of anxiety among the people of this state. The answers to these interrogatories go clearly to establish the following facts, connected with the history of this bank for the last three years, and will increase the confidence of the community in this institution, so long identified with the welfare and prosperity of Michigan:

1st. That the bank, since 1836, has reduced its liabilities to the public $2,100,000.

2d. That a majority of the present board of directors have been in the board from fifteen to twenty years, and have not been habitual borrowers from the bank, and that a large majority of the stockholders have never owed the bank a single dollar, but, on the contrary, that during the last year, the stockholders residing out of this state have bought from the bank $200,000 of its debts secured by good mortgages on time, and have absolutely paid that sum to the bank.

3d. That the amount now due from directors is $7,050, secured by endorsed notes, and the pledge of $14,000 of stock; that the amount due from stockholders, other than the directors, is $41,969, which is generally secured by good endorsed notes, real estate, and by a lien upon their stock, amounting to $71,400.

4th. That no preference, as to the terms or amounts loaned, has ever been given to the paper of the directors or stockholders, over other paper equally good.

5th. That the entire amount of coin reported by the bank, is bona fide its property, and that the bank has never borrowed or bought coin for any other purpose than its ligitimate business transactions.

6th. That the bank is not now, and never has been, connected with any other bank, broker or person, for the purpose of buying up its bills at a discount, except in the case stated in New York, where the bank deposited funds to redeem its notes at two per cent, and that the bank has never sold exchange at a higher rate than two per cent, for its own bills.

7th. That the bank has never hypothecated any real estate or mortgages to any person or corporation whatever.

8th. That the bank has declared no dividend on its business since the first of January, 1837, but has reserved its profits, amounting to $115,000, to provide for all contingencies that may happen by losses, or bad debts.

9th. That the amount of post notes now outstanding is only about $16,000, every dollar of which has been issued to the commissioners and contractors on the public works, in exchange for estimates and warrants, and that in no single instance have they ever been issued except upon the urgent solicitations of the applicant, and at times when the state had no funds in the treasury belonging to the internal improvement fund.

10th. That the bank has never refused to permit an examination of its affairs by the late bank commissioners or other officers, having first simply stated that it was advised by counsel, that the bank commissioners had no legal right to make such examination, permission was given to make the examination, and all information required was offered to be furnished.

11th. That the bank has never been sued, except in the cases stated in the answer of the president, and the full explanation of the cause and feelings that have led to those prosecutions there given, justify the belief that it was not for the purpose of collecting its bills, but to harrass the bank with costs, that these suits were commenced.

The result of the examination of the Farmers' and Mechanics' bank, shows that its total assets amount to $755,819 43, of which the sum of $601,976 70, is due from the people, under the heads of real and personal securities, and the further sum of $25,518 91, is in real estate owned and possessed by the bank; that its available means, consisting of sums due from banks, deducting those which have suspended. The bank notes on hand and the specie, amount to $26,996 28, and that its immediate liabilities to the public, under the respective heads of circulation, deposites and drafts on time, amount to the

aggregate sum of $52,311 75, leaving a balance in favor of the bank $599,538 44.

Of the entire discounted debt, it seems that $34,990 is due from directors and stockholders, of which $16,600 is due from directors alone, and that the owners of $351,900 of the stock of the bank, are not indebted to the bank a single dollar. The capital which is actually paid in, amounting to $400,000, appears to have been contributed in good faith by the several stockholders, as an investment of money at a period more auspicious than the present, and promising greater safety to the principal and an adequate return for its use. The great reduction of the liabilities of the bank, from the first of July, 1836, to the present time, as exhibited in the answers to the various interrogatories propounded by the committee, manifests a commendable zeal in fulfilling its obligations, during a period of unparalleled distress throughout the United States; and the lenity extended to the borrowers, any thing rather than a disposition to oppress a community already groaning under the burdens of a disordered currency and a large individual indebtedness. The precise character of the personal securities cannot, from the nature of things, be ascertained, but the facts now established, that they originated in the transactions of a legitimate banking business, that they were received for loans in money, and that the purposes were strictly of a character sanctioned by the rules which have ever governed similar institutions, furnish the surest guarantee of their strength, and, moreover, there does not appear to have been an adequate motive in the neglect of a matter involving the interest of the stockholders themselves, who may well be supposed to have entertained much solicitude for the safety of their capital, and the faithful and diligent performance of the various duties devolving upon the officers of the bank. The same rules which have ordinarily governed the bank directors, in taking security upon debts loaned to individuals having no interest in its affairs, seems to have been strictly observed in the few instances where the directors themselves have been borrowers. Suits are in progress upon paper, amounting to $151,170 48, and $60,125 20 of this amount are in judgment. This resort to coercive measures, for the recovery of the comparatively small amount coming under this head, is asserted to have been forced upon the directors by the continued neglect and refusal of the debtors to execute securities which warrant an extension of time. The schedule of real estate securities, is necessarily imperfect, from the fact that many of them are in the hands of attorneys for foreclosure, and in the offices for record, whilst others are yet incomplete although in progress of adjustment, still it clearly shows that a large amount of valuable improved real estate is mortgaged to the

bank. The debt due the United States is $103,969 24, which, according to the evidence on that subject, is secured to the satisfaction of the general government.

The debt to foreign banks, by loans upon time, proves that the bank has been able to raise a considerable sum of money upon its own credit to meet its engagements, and the measure must be regarded as creditable to the institution. The item of deposites does not seem to be of an amount or character calculated to weigh heavily upon the community at large, being due principally to its own stockholders, and to correspondents in the neighboring states, the bank has evidently sought to reduce its business to the most circumscribed limits, to enable it with less difficulty and danger to meet the threatened crisis.

In the opinion of your committee, the late suspension of specie payments was caused by the increased demand for exchange to pay eastern creditors, by the utter inability of the debtors of the bank to meet their engagements, and by the exposed position of Detroit, as a point towards which all the circulation of the banks west would naturally flow with great rapidity for coin or exchange. That immediate resumption, unless accompanied by the *actual* resumption of the banks of Illinois, Indiana, Ohio and Pennsylvania, would be very difficult, and would result in driving from circulation almost every dollar of the notes of our own banks, to give place to those of other states, not controlled by our laws, or in any way amenable to our authorities, and by the immediate withdrawal of all or nearly all of the precious metals from this state.

In the performance of the duty required of them, by the reference of so much of the governor's message as relates to the currency of the state, your committee report, that almost the entire circulating medium of the country consist of the banks of this city, and their branches.

That this paper, though depreciated in value for the purpose of remittance to the east, in consequence of the inability of the banks to redeem their notes in drafts upon our eastern cities, is at a less rate of discount than the paper of the banks of Indiana or Illinois, and is of equal, if not greater value than that of the banks of Ohio. The confidence reposed in the solvency of these institutions, notwithstanding their suspension, has given full credit and currency to their paper, and with few, if any, exceptions, rendered it preferable to the bank notes of the adjoining states, for the purchase of produce, merchandize, &c. The great difficulty seems to be, the insufficiency in quantity to meet the wants and absolute necessities of the country.

Your committee need scarcely allude to the fact, that the state taxes, though payable in the notes of these institutions, could not be collected. The result of the investigation herewith communicated, cannot, in the opinion of your committee,

fail to strengthen the confidence hitherto reposed in the soundness of these banks, and the great prudence and fairness with which they have been conducted. In view of the general condition of the country, as relates to a currency, your committee can see no prospect of relief for Michigan, either in the operation of commercial causes, the action of the general government or any probable cause, beyond her own limits.

Though abounding in those products of the soil most essential to the existence of man, and with large surplus that, in an ordinary condition of the country, would do much to discharge our public and individual indebtedness, and relieve the embarrassments that are oppressing us and paralyzing our energies; that surplus, that main dependence of laudable industry, is rendered valueless to us for the want of means to purchase and transport it to market.

Our comparatively small surplus of wheat the last year, found purchasers from the east, amply provided with eastern bank notes, for the purchase of our entire stock. At present, money or its representative, is scarcely to be had in exchange for produce at any price, while in the eastern markets, flour is commanding a price that would afford a fair profit to the farmers of Michigan.

In this view of our case, overwhelmed with engagements contracted under a widely different state of things, but now wholly beyond our power to meet, with the surplus produce of our country useless for the purpose of canceling those engagements, if not perishing on our hands, and no prospect or hope of relief from abroad, your committee believe that it would be but a faithless discharge of duty to themselves or their country, to shrink from the responsibility which the occasion imposes upon them, or advise that our case is without a remedy. They will neither practice the one nor advise the other, but with due deference and respect to the opinions of those who may honestly differ with them, recommend such a course, as, in their judgment, is best calculated to promote the interests and prosperity of the people, by rendering the products of the country valuable, and available for the payment of debts and the general purposes of life.

Your committee would, therefore, respectfully recommend such a course towards the banks as will enable them to continue the same indulgence that they have heretofore exercised towards their debtors, and also to increase their circulation to an amount equal at least to the surplus products of the country; at the same time throwing around the measure such guards as will effectually prevent a depreciation of their paper, and render their money safe in the hands of the people.

All of which is respectfully submitted.

J. M. EDMUNDS, *Chairman.*

Minority Report.

The undersigned, a minority of the joint committee, appointed by the senate and house of representatives, "to whom was referred so much of the governor's message, as relates to the currency of this state, with instructions to invertigate the causes of the recent suspension of specie payments by the bank of Michigan and the Farmers' and Mechanics' bank of Michigan, in the city of Detroit, and also to investigate the present condition and affairs of said banks."

Not having concurred with the majority in their report, and believing it due to himself and to the legislature, respectfully submits in the form of a report, the views and conclusions to which his mind has been brought by the investigation and patient consideration of the subject matter committed.

The resolution under which the committee acted, invested them with large powers, and seemed to exact from them the discharge of an onerous duty, in an extended investigation. The subject of "the currency," admitted without dissent, to be of vast importance to every class of the community, but more especially to that portion whose daily subsistence depends upon their daily labor; and the investigation into the condition and affairs of the two principal banks of the state, chiefly instrumental in giving circulation to "the currency," seemed imperiously to demand from the undersigned, the exercise of great care, patient labor, and determination to permit no sinister influence to misdirect his attention; and no personal consideration to deter him from such a searching examination, as far as his moderate acquaintance with banking would allow, into the condition of the banks referred to, and for which purpose the committee was clothed with power to send for persons and papers. While upon the one hand, he deemed himself obligated by every sense of duty to shrink from no labor and responsibility, that the community might be protected from the evils of irredeemable circulation and fraudulent banking, he felt himself impelled by an equal impulse, to avoid an unjust and unnecessary interference with the rights of these chartered institutions, or do aught to jeopard the interests of their stockholders. When the investigation was ordered by the joint resolution of both branches of the legislature, could he have been apprised of the intention to place his name on the committee, he would have endeavored to have effected a change, that some one more competent might have been selected. But having been announced as one of the committee, he could not, without incurring censure or prejudice, decline a duty, which seemed alike imposed by the wants and the apprehensions of the community and the circumstances in which the people of the state were

placed by the suspension of payment by the two principal banks of the commercial metropolis.

Such has been the course of events for the last few years, bearing upon the monetary concerns of the country, that a justifiable, yet feverish anxiety is manifest in the public mind, on the subject of bank power, bank influence, bank frauds, and bank ruptures; and so closely interwoven with commercial business, is that species of circulation, known as bank notes, that the manufacturer, the mechanic, the farmer and the laborer, demand that it should be based upon the solid foundation of the constitutional coin of the country. And when a banking institution, either from justifiable causes, or actual insolvency, is compelled to suspend the payment of its obligations, the duty becomes imperative upon the legislature to direct the necessary inquiry, in order to guard the state against the loss accruing from a spurious circulation.

However solicitous, therefore, the undersigned might have felt to escape the responsibility imposed, or to avoid unjust imputation, he could not, consistently with the views of duty, pursue any other course, than that of a strict, searching, and impartial investigation. It was a matter, which seemed to him to have been invested, by the circumstances of the times, with an importance and a character, which placed it beyond the party prejudices and predilections of the day. As such, he treated it, and as such, he could not be contented with a formal mode of inquiry, touching but slightly the causes of suspension, or the true and genuine condition of banking institutions, proposed to be entrusted measurably with the public treasure, and which gave an extensive bank circulation to the community.

The committee was directed by the resolution of their appointment, to the discharge of a three-fold duty: namely,

1. The consideration of so much of the governor's message as relates to the currency of the state.

2. An investigation into the causes of the recent suspension of specie payment by the bank of Michigan and the Farmers' and Mechanics' bank of the city of Detroit.

3. An investigation into the present condition and affairs of said banks.

The undersigned, while he approves of the views expressed in the message, in relation to the high appreciation in which "a sound and available currency" ought to be held, and the present lamentable depreciation of the paper promises, on which a too credulous people have too much and too often relied; yet, feels himself reluctantly compelled to dissent from the causes to which the message ascribes the derangement of the currency, as also the remedy for its restoration. It is true, that "an adequate increase of the issues of the banks" can be "again in-

duced;" but the undersigned in that increase, beholds no other prospect, as long as the proposed issues are the irredeemable promises of chartered institutions, but the countenance of the evil so much deplored, and so generally felt in the community. As to "the immediate organization of a state bank," the undersigned firmly and confidently believes, that the condition of the money market, and the well founded want of confidence of the people in banks, forbids the reasonable expectation that such an institution can be established for years, if ever, in this state, nor does he entertain much confidence in the blessings promised by its creation. And for reasons arising from the testimony submitted to the committee, and conclusive to his mind, he cannot assent to the propriety, the safety, or the expediency of creating as it were, a fictitious currency, not based upon gold and silver, the universal representative of productive labor, but upon an exchange of irresponsible promises, between distant banking institutions, to procure which, a portion of the five million of dollars loaned to the state, is proposed to be placed at the disposal of banks, that either cannot or will not meet their just and honest engagements.

Inasmuch as a "sound and available currency, is the life-blood of commerce," and the "melancholy truth" so eloquently enforced in the message. of the absence, at this period, of so necessary a means to trade and business, is freely conceded, the undersigned cannot resist the conviction that the most practicable remedy is a speedy return to the simplicity, economy, integrity and industry which characterized the days of the revolution, and a stern avoidance of the follies and facinations of fictitious wealth. Labor is the foundation of the wealth of every country, and in seeking to give that wealth, a representative character abroad, in order to effect an exchange for the surplus wealth of other countries, the undersigned humbly conceives that a resort should not be had to the increase of promises disproportionate to the evident ability of fulfillment. In the formation of the federal government, by the union for certain general purposes of the sovereign states, power was conceded and power was withheld. That attribute of sovereignty which is exercised in prescribing the currency for the whole people, was, as it seems to the undersigned, prohibited to the states, and expressly granted to the general government. The "coining of money" and the regulating the value thereof, was a power expressly granted to congress, while the different states were expressly forbidden by the constitution "to coin money," emit bills of credit, or make any thing *but* "*gold and silver* coin a tender in payment of debts." Gold and silver coin, seems, therefore, to the undersigned, the constitutional currency of the country, to which alone the message could have alluded, and the general want of which among all classes of

the community, may be attributed to the combination of a multiplicity of causes, among which are prominent, the facilities afforded by bank power to folly and wickedness to inundate the country with unneeded foreign importations; and a paper medium of exchange, banishing the precious metals from the country, promoting wild and extravagant speculation; causing sudden and ruinous fluctuations in the value of properties; producing extensive failures, and increasing the quantity of a circulating medium above and beyond the wealth of the country, and consequently depreciating its value. Truly are "these within the recollection of us all." The constitutional currency "which has been recklessly thrown away," and for which the fluctuating promises of corporate institutions has been substituted, has, within the last few years, been prolific of extensive bankruptcies and ruinous distress to the laborer and mechanic, whose comfort and prosperity depends much upon a stable currency.

In the expression of these views, the undersigned does not wish to be understood as intimating the opinion, that the constitution of the United States prohibits the several states from the incorporation of banks of issue, deposite and circulation. By no means. Such power in the opinion of the undersigned, alone belongs to the states, as an attribute of sovereignty reserved and not granted. But such banks of state creation, cannot be empowered by state legislation with giving a currency to the country, and in authorizing them to issue their notes in circulation, they can only be legitimately considered as floating promises to pay their respective amounts on demand, in the currency of the constitution. Any other currency is unknown to the genius and spirit of our government; any other currency is unstable and unsafe; any other currency, while it may tend temporarily to elevate the ingenuous speculator in stocks or lands, most assuredly depresses the great mass of society.

It was but lately that this young and rising state, so admirably calculated by position, soil and natural avenues to the ocean, to rise rapidly to wealth and importance, witnessed the extraordinary and lamentable picture of being covered from lake to lake with innumerable banks, showering their worthless paper, like the locusts of ancient Egypt, over the whole land. Like the same curse, they flourished but a short time, devastating the land, but soon disappeared, leaving the imperishable traces of ruin behind them. And in this general havoc, who suffered most? What class held the greater part of the worthless promises of payment? Certainly not the keen-visioned speculator, who seems to scent peril at the greatest distance. No, no. The innocent, industrious and the honest, were the sufferers. The dwellings of the poor man, and not the habitations of the rich, were the spots to which this broken note tor-

nado directed its chief havoc, and expended its force. There were few poor men, but what found at the termination of the storm, that their wages saved for a day of affliction or of trial, were represented in worthless trash, purporting to be bank notes, and for a time fashionably styled and used as the chief currency of the state.

No circulation of bank paper, as long as the imports of the nation exceed to a great extent its exports, can be considered otherwise than fluctuating, and consequently cannot be safely depended upon as a sound currency. The creditor nation does not recognize the paper representation of specie issued by the debtor nation; and, where the balance of trade is largely against the latter, such paper medium must inevitably depreciate, and the loss consequent thereon, most generally falls upon the laboring and producing classes. Paper money inflates the prices of the necessaries of life, while the price of labor remains stationary, and at the standard fixed by the immutable laws of trade. It does not correctly represent the labor of the country, nor its products. It is not its wealth or its capital. It possesses no intrinsic value. It is not money. It is but a mere promise to pay money. It is a species of circulating debts, and "their issue and augmentation, augments nothing but the debts of the country." Analyzed by reason and experience, a bank note is nothing more than the evidence of corporate indebtedness, and every loan by a bank of its paper, only increases the circulation of the debt of the country, and adds not one copper to its substantial wealth. The undersigned, therefore, cannot resist the impression, that the uniform currency contemplated by the constitution, can and does consist only in the gold and silver coin designated in that instrument; and that the derangement in the currency of this state, to which allusion is made in the executive message, is only to be considered, in truth and in fact, as the lamentable indebtedness of the banking incorporations, and of those citizens, who, misled by the allurements of inflated prices, and the ignis fatuus of speculation, have steeped themselves too far in the temptations of credit, and been suddenly overtaken by the withdrawal of the precious metals, to meet the demands of a foreign market.

Lest the undersigned might render himself obnoxious to perversion and misrepresentation in the foregoing expression of his views, in relation to that portion of the executive message specially referred to the consideration of the committee, he deems it due to himself, explicitly to state, that he entertains no opinion hostile to those state corporations, the banking privileges of which are based upon the possession of ample specie means to justify the circulation of their corporate promises, and whose operations are legitimately confined to rendering proper facilities to the mercantile community. For such pur-

poses, he believes banks were originally instituted, but when they overleap these salutary bounds, and become the mere manufactories of paper money, giving life and being and encouragement to speculation, and undervaluing the pursuits of honest labor, he cannot otherwise consider them than as appropriate objects of unmitigated censure.

But secondly. The committee were instructed to investigate the causes of the recent suspension of specie papments by the bank of Michigan and Farmers' and Mechanics' bank of Michigan, in the city of Detroit.

In the discharge of this important duty, the committee has been laboriously engaged since the period of their appointment, and have availed themselves of the power with which they were clothed. So far as the undersigned has been enabled to trace this effect, so ruinous to the credit of the state, and so embarrassing to the business operations of its citizens, to a plain and palpable cause, he must leave it to the legislature to judge. From the mass of testimony elicited, much variety of opinion must exist. But he firmly believes, that a spirit of candor, unfettered by prejudice, cannot do otherwise than ascribe the suspension of payment by the institutions referred to, but to one cause alone, and that was, the evident inability at the period of suspension, to meet their outstanding obligations in the constitutional currency of the country. There may be periods in the commercial history of the country, such as a national war, or some unforeseen calamity, when perfectly sound banking institutions must resort to a temporary suspension of payment, as a means of *defence*—not for themselves, but for the community. But in a state of profound peace with all the world, and in the absence of those visitations of general calamity which sometimes may overtake the most provident and industrious, such an event by a moneyed corporation cannot be otherwise than an evidence of either mismanagement or insolvency.

Whether the suspension of the banks in Detroit, was resorted to as a means of justifiable defence or not, facts must speak, and should be heeded.

On the 28th day of October, 1839, an advertisement was published in the papers of the capital, signed by the cashier of the bank of Michigan and Farmers' and Mechanics' bank of Michigan, announcing that the boards of directors of these institutions, having taken into consideration the then existing conjuncture, deemed it expedient to suspend, temporarily, the redemption of their notes in coin. In this published notice, the cause, or the reasons impelling to the act, are not stated, beyond the statement of the fact, that they were impelled to such a course by the existence of "a conjuncture," the character or nature of which is omitted, What that "conjuncture" was,

must therefore be collected from the evidence given to the committee by the officers of the banks. This testimony discloses this state of facts as existing on the 28th of October, 1839:

The bank of Michigan had then,	
Specie on hand,	$28,578 18
U. S. treasury drafts,	15,000 00
Making *specie funds*,	$43,578 18

And by the annual statement of the bank, made on the first of January, 1840, its circulation was	$114,485 51
Due depositors,	192,806 51
Drafts on time,	49,509 69
Post notes on time,	17,524 00
Due to banks,	14,728 27
Due to the state,	26,456 67
Due treasurer United States,	175,444 25
Due university of Michigan,	5,549 92
Making *immediate liabilities* amount to	$596,504 82

In this statement, forty thousand dollars of the circulation is supposed, by the report from which the amount is quoted, to be lost by the lapse of time.

It may be proper to state, that there are immediate assets, not cognizable under the designation of specie funds, that may be offset against the sum total of immediate liabilities, such as the following:

Due by the United States, advances to Indian department,		$24,109 12
Due by state of Michigan,		36,267 29
Due by state of Michigan, drafts on N. Y.,		43,000 00
Due from banks,	$49,873 72	
Deducting sums due from banks which have failed,	1,595 78	
		48,277 94
		$151,654 35

Making the sum of probable assets to liquidate immediate demands amount to $151,654 35. From this review of the accounts of the bank of Michigan, it seems to the undersigned, that the excess of *immediate liabilities* over immediate means, or coin, to amount to the sum of $552,926 64; but, admitting that the bank, *through its assets*, was possessed with power to negotiate into a harmless neutrality every other item of imme-

diate demands, until the realization of all its outstanding debts, except its circulation, and minister quiet and tranquility to its depositors, yet, nevertheless the *item of circulation, consisting of its promises to pay on demand*, exceeded its coin on the day of suspension, by the sum of $30,907 33, exclusive of the $40,000 supposed to have been lost.

To one unacquainted with the mystification in which the business of banking is too often enveloped, the statement herewith exhibited, affords a plain and simple answer to that part of the joint resolution of the legislature, instructing an inquiry into the cause of suspension by the bank of Michigan, on the 28th of October, 1839. The answer is furnished by the evidence, and the undersigned declines anticipating, what it appears to him is so plainly inferable.

In regard to the Farmers' and Mechanics' bank of Michigan, the evidence exhibits the astounding fact, that, on the day of suspension already alluded to, its whole amount of coin in its vaults, amounted only to the sum of $3,993 10. It is not ascertained what was its immediate liabilities on that day, but from the testimony of the cashier, the following statement was furnished as existing on the first of this instant.

Immediate Liabilities.

Due U. S. government,		$103,969 24
Due to banks on time,	$84,791 59	
Due to banks on demand,	3,492 85	
		88,284 44
Drafts on time,		10,000 00
To individual depositors,		20,811 75
Notes in circulation,		21,500 00
Total amount of liabilities,		$244,565 43

Available Means.

Due from other banks than its branch,	$7,258 98
Solvent bank notes other than its branch,	4,982 25
Specie,	15,686 24
Total available means,	$27,927 47
Leaving a deficiency of means to the amount of	$216,637 96

The question here arises, how far these banks will be able to avail themselves, during the current year, of their debts receivable; so as to make the amounts applicable to the payment of the deficits, existing as the manifest difference between their immediate liabilities, and their immediate means. In the present embarrassed condition of the state, and the country gene-

rally, it may be reasonably questioned, whether the individual debtors to these banks, can pay their respective notes, and in default of which, how can it be possible for them to supply the necessary means? This question, however, trespasses upon the third branch of the inquiry entrusted to the committee, before entering on which, it may be proper to point to the circulation and deposites of the Farmers' and Mechanics' bank, and its coin on hand, on the 28th of October, as a sufficient solution of the cause of its suspension of payment.

And here, the undersigned may be indulged with the observation, that banking institutions, although yielding profits to stockholders alone, and so far a species of private property, yet, from the chartered privileges which they enjoy, and from the circumstance of their circulation being generally receivable by the community, as the price of produce and labor, they in fact become public institutions, and are every way appropriate subjects of strict legislative scrutiny and attention. The law of their creation, does not, however, place them above individual citizens, in regard to the judgment honestly to be pronounced upon their corporate acts. Nor should any unjust distinction be permitted to be drawn between them and individual citizens. When a merchant, by unforseen losses, or unwise and improvident calculation, is rendered unable to meet his solemn engagements, he becomes by common understanding, insolvent, and loses all credit with his brethren, and even with banking institutions themselves. In vain he may point to the numerous outstanding obligations, far exceeding the amount of his indebtedness, and requiring only time to render available; in vain he may exhibit his books—his bonds—his accounts, it matters not. The responsibility of the hour is forfeited, and the customary but invariable law of trade denounces him bankrupt, and his property and his means must meet the hard sacrifice, consequent to broken mercantile engagements. But, a different rule is expected to prevail in regard to banks, which, although endowed with highly advantageous franchises, desire and even seem to demand from the legislature, the additional privilege of forfeiting at pleasure their chartered injunctions, and bidding defiance, as well to the just demands of the community, as to the vital principle of their chartered existence. And if this inequality, as between moneyed corporations and citizens, is to be sanctioned by indiscreet and unjust legislation; if, to the one, impunity is to be added to immunity; and to the other, nothing but the strict demands of the law; if, even the rules of literature are to be whimsically changed to gratify the trembling solicitude of corporate power, and *inability* to pay, be termed *suspension*, when applied to banks, and insolvency when applied to individuals, a perilous innovation is threatened to the free principles of

the constitution; and encouragement given to the imperceptible, but sure growth of a power, that may, in the process of time, prove too strong for the government itself.

But, *thirdly*, the joint resolution instructed the committee "to investigate the *present condition* and affairs," of the banks in Detroit.

Presuming that the resolution contemplates a two-fold consideration of the subject matter entrusted to the examination of the committee, and *intentionally* indicates a distinction as existing between the CONDITION of *banks* and the AFFAIRS of banks, the undersigned feels impelled to pursue the same path and observe the distinction thus wisely set forth in the instructions to the committee. The CONDITION of a corporation most obviously means its *legal position and corporate existence* in the fraternity of corporate bodies by which it is surrounded, or in fewer words, its legal condition contemplates its title to chartered power. The *affairs* of a bank more properly comprehends its *pecuniary* means and liabilities, impliedly admitting the validity of its corporate being. With this understanding and definition of the terms employed in the resolution, the undersigned, for the greater convenience of exhibiting his opinions, will reverse the order adopted, and consider,

First. *Affairs* of the banks, and

Second. Their condition.

The affairs of the Detroit banks.

The testimony which accompanies the report of the joint committee, so far as the statements of the officers of the banks, can be relied on as giving full and fair exhibits, (and the undersigned cannot impugn their fidelity, but, must bear testimony to their gentlemanly deportment,) will afford to the legislature a view of the affairs of these banks highly important and interesting to the public. The undersigned will not trespass unnecessarily on the time of the legislature, by a recapitulation of the accounts as given in evidence; they can be referred to, and read by all who feel an interest in the questions involved.

In the testimony of Mr. Sanger, the cashier of the bank of Michigan, to be found on page six of the testimony, in reply to the eighth question, by the chairman of the committee, the total amount of liabilities and the total amount of assets of that bank is given.

Without enumerating the items, the total amount of liabilities, is	$606,404 31
do do assets, is	1,261,660 88
Making a difference in favor of the bank, amounting to the sum of	655,256 57

But on a recurrence to the items composing the assets of

the bank, the picture, thus, at first view presented, becomes rather gloomy indeed, and overshadowed with clouds of doubt and uncertainty. The two first items, of loans on personal security, amounting to $712,892 21, and real estate securities amounting to $243,916 99, and the whole amounting to $956,-809 20, locks up in the womb of time, dependant upon the multifarious circumstances of successful litigation and the eventful solvency of debtors, more than two-thirds of the whole assets of the bank.

But the testimony in relation to the Farmers' and Mechanics' bank, in the opinion of the undersigned, affords a still more melancholy account of "empty boxes."

The following statement is extracted from the evidence of Mr. Welles, in answer to a question of the committee:

Liabilities to the public, exclusive of profit and loss,	$316,513 63
Assets,	755,819 43
But those assets, when analyzed, exhibit as follows:	
Personal securities, a large amount of which is collaterally secured by real estate,	550,126 52
Bonds and mortgages,	51,850 18
Real estate,	15,907 73
Banking house,	9,611 18
Stock of bank, taken in payment of debts,	8,875 00
And it further appears, as an additional amount of assets, the following sums:	
Due from its branch,	51,728 88
Bills of its branch on hand,	38,484 00

Now, it is conceded without hesitation, and in justice to these institutions, that should they be able, in the course of a reasonable period of time, to realize the items termed "loans on personal security," and "real estate securities," that they are perfectly solvent and worthy of public confidence. Whether such expectations can be reasonably indulged, considering the vast indebtedness of those who have thus been nourished by these institutions, and the great depreciation in the estimates made on real estate, during the age of speculative inflation that has gone by, is a subject of solemn consideration, not only for the legislature, but for the institutions themselves. Without desiring to utter aught that might impair their genuine standing, the undersigned may venture the observation, which seems to him as apparent as the light of truth, that the solvency of these institutions is hypothetical, depending altogether upon the ability of their debtors to comply with their engagements.

It is true, that a resort may be had to the courts of justice, to compel payment, within the usual period allotted by litigation for the recovery of debt. But, even here, a difficulty of some magnitude presents itself to the consideration of the undersigned. The institution of suits by corporations, are not so generally favored in the school of honor, as the legal demands of other creditors. Either for the purpose of delay, or with a view to defeat a recovery, a series of pleading may be reasonably anticipated, contesting at the threshhold the corporate right of these institutions, to use the process of courts. The argument, tending to deny their corporate existence, is not peculiar to the opponents of banking. It will be found burning on the lips of many of that class of our citizens, esteemed the advocates of bank power, and wielded by them as a legal protection against its claims in our courts of justice.

It is not for the undersigned to express, at this time, what reliance may be placed on the position intimated, that these institutions, being created by territorial legislation, do not legally possess corporate authority; but it seems to him obvious, that in case resort is had to suits at law, to render that portion of assets available, a prolongation of time will inevitably attend their eventual recovery.

By the constitution of the United States, express powers, designated in the instrument, were conferred by the people and the states, on the federal congress. In their enumeration, no power is perceived authorizing congress to create bank corporations in the organized territories of the United States. There is no express power granted to congress to establish a national bank, yet such power has been *inferred* by the highest judicial tribunals, whose decisions are part of the general law, *as a necessary means to carry the expressed powers into execution.* This principle, however, cannot apply to the creation by congress, of territorial banks, it not being within the scope of possibility that such corporations would be considered as means necessary to enable congress to exercise the powers expressly conferred. Yet the legislation of a territory is subordinate to the creative legislation of congress, and would it not follow as a legal consequence, that the legislative council of the late territory of Michigan, being the creature of the federal congress, could not exercise greater powers than granted to the supreme legislature.

But the undersigned forbears further to dilate upon the probable consequence of the institution of suits by the banks, for the recovery of their debts, being satisfied in his own mind that, apart from the tedious process of litigation which ever attends the ungracious waitings upon justice, other difficulties of equal magnitude will assuredly postpone and protract the

available assets into that species of means recognized by the law and constitution, as a legal tender.

But he cannot refrain to direct attention to the fact, disclosed in the evidence, that one fatal effect of bank suspension is, the tacit repudiation by banks themselves of their own engagements, thereby setting forth the immoral and pernicious example of litigation for delay, and of contesting just and righteous claims where the ability to fulfill exists, but pride and vindictiveness prompt to a different course.

It will be perceived in the testimony, that since the 28th day of October, the bank of Michigan has been sued before a a justice of the peace, in several suits for small sums by different individuals, and on which, judgment was recovered, and *a resort had to the stay of execution*, a lenity granted, by the law, to save struggling adversity from immediate sacrifice, and never designed to gratify wealth, in preserving its means from the just demand of creditors. These suits were on the notes of the bank. When presented and when sued, the bank must have had better than 30,000 dollars in its vaults. What inference can be drawn by untramelled ethics?

In the evidence given by Messrs. Drew and Richmond, a similar repudiation by this bank, of their own bills, is apparent. Why then should it be expected, that the public or the legislature should extend faith, when it is refused by the institutions themselves? Or can it be said with truth, that the affairs of banking institutions are in a sound state, when their own circulation is, by themselves discredited, and depreciated below its nominal value?

Second. The condition of the Banks.

The bank of Michigan was established, by an act of the legislative council of the territory of Michigan, adopted December 19, 1829.

The Farmers' and Mechanics' bank of Michigan was established by the same authority, approved November 5, 1829.

By the tenth section of the first act, and the twentieth section of the last act, the wise provision was made by the legislature, compulsive upon these institutions to meet and fulfill their obligations in coin. The language of the legislature is mandatory. It admits of no subterfuge. It denies to party or political predetermination the refuge of interested construction. It operates directly, like the knife of the suicide, and terminates corporate existence, without either judicial or legislative interposition. It solemnly pronounces the fiat, that, on the occurrence of a specified event, the legal consequence *shall* follow, that arrests them in their further corporate existence. The undersigned cites the language of the law, that there may be no misunderstanding of his views. It is as follows:

"That, if the bills obligatory and of credit and the bills and notes issued, are not paid when the same are due, and redeemed at the banking houses of the said banks at the city of Detroit, and within banking hours, IN SPECIE, the said corporations *shall* be dissolved."

On the 28th of October, the banks proclaimed to the public their approaching dissolution, but, when they refused payment on the presentment of their notes, the dissolution was effected, and the undersigned cannot refrain from expressing the opinion that the testimony exhibited to the committee, proves conclusively the forfeiture of the charters of these banks. Should he hesitate to avow this, his serious and deliberate conviction, he would prove recreant to the public, and by no means advance the interests of the stockholders. Should the legislature agree with him in opinion, steps may be immediately taken to remedy, if possible, the evil which has occurred, and resuscitate, if deemed wise and proper, these banks, which have clearly forfeited the franchises secured by their charters. By the testimony, it appears, that both these banks have issued in circulation, post notes on time, that is, promises to pay at a future day, as well as their own notes, wearing on the face the promise of the parent bank, attested by their officers.

This description of circulation seems, to the undersigned, as deceptive to the unwary, and clearly unwarranted by the law. The location of the branches are distant some hundred miles from the city. These bank bills, resembling at first glance the genuine promises of the parent, payable in Detroit on demand, prove on closer inspection, like Macbeth's witches,

> "To keep the word of promise to the ear,
> But break it to the hope."

Nor can the undersigned perceive, either in the provisions of the charters, or in subsequent enactments, authority for the issue of either. The judiciary of a neighboring state has already pronounced post notes to be unwarranted by similar charters, and the fifth section of the act of March 7th, 1834, referred to by the banks, as justifying their mode of issuing branch notes, does not, in the opinion of the undersigned, warrant these banks in procuring their own bills to be transversely stamped at a printing office in this city, with words importing payment at the branch, and originating from the parent counters, their circulation in this city, before they have ever passed the threshhold of their branches. The branches are alone allowed, by the section referred to, "to emit" the bills of the parent banks, redeemable at their branches.

But, furthermore, the undersigned cannot leave this branch of the subject, without specially directing the attention of the legislature to the fact disclosed in the testimony, that these banks

being parent institutions, circulate to a large amount, the notes of their branches; and in direct violation of the fifth section of "an act to establish branches of the bank of Michigan and the Farmers' and Mechanics' bank and bank of River Raisin," passed by the territorial legislature, the 7th of March, 1834. *That section authorizes the branches to issue bills signed by the officers thereof, "being bills of the parent banks, made payable at the said branches."* There is no authority given to either of the parent banks, to issue in circulation their own notes, *made by themselves without concert with the branches.* This is clearly manifest from the whole tenor of the law, otherwise a wide door would be open to fraud and corporate irresponsibility. In illustration of this view, the undersigned would pointedly refer to that portion of the testimony to be found under (*e*,) and the answer of Mr. Sanger to questions 3 and 4, under the head of "due banks," propounded by the undersigned.

The fourth question is specific, as follows: "Has not the bank, since the 1st of January, 1840, procured some $30,000 or more of THEIR NOTES TO BE STAMPED AT A PRINTING OFFICE IN THIS CITY, with the words "*payable at their branch at Kalamazoo,*" or words to that effect.

This question was designed to elicit information in regard to the mode by which the notes of the branches were circulated, and especially in regard to that class of parent notes thrown into circulation with the illegible shelter of being made payable at the branch. *Time, quantity* and *place* are specially associated in the question, with the act, concerning which, information is sought. *And let the simple answer be noted.* Mr. Sanger replies, "*It has!!*" The fact then is established, that the bank of Michigan, located in the city of Detroit, has, *since the 1st of January*, 1840, procured some $30,000 OR MORE OF THEIR NOTES, to be stamped at a printing office in said city, with words making THEM payable at *its* branch at Kalamazoo; *and that it has issued such notes from its counter*, as is detailed in the answer of the cashier to the previous interrogatory.

Now, when the undersigned takes into consideration the report made by the bank commissioner to this legislature, dated December 30, 1839, and No. 4, of house documents, and compares the condition of the branch of this bank with *this* evidence, he cannot form any other conclusion than that this act of originally circulating branch notes, is a violation of the law and perilous to the best interests of the community. It certainly cannot meet legislative approval, and is most assuredly deceptive and vexatious to the business public.

Let it be remembered, that by the commissioner's report, the affairs of the branch bank of Michigan are thus represented at the close of the year 1839:

Circulation,	$59,859 00
Deposites,	3,793 76
Making its immediate liabilities amount to	$63,652 76

And that all the *immediate means*, to meet the same, amount only to

"Specie on hand, $5,571 41!!"

And yet, notwithstanding this small *specie basis*, to meet a circulation of $59,859 00, and $3,793 76 of deposites, the parent bank in Detroit, without apparent concert with this branch, increases *its* liabilities to the public, since the 1st of January, "SOME THIRTY THOUSAND DOLLARS OR MORE!" *With this fact on record*, connected with the large amount of branch circulation, appearing in the statement of the Farmers' and Mechanics' bank, the undersigned feels warranted in the remark, that the 5th section of the act of the 9th March, 1834, if not expressly and literally violated, yet that it has been so infringed, as to prove a convenient cloak to conceal deformity, and that either these branches, or their parents, are worthy of the immediate application of legislative action.

Such being the views honestly entertained and deliberately formed by the undersigned, he commits the subject to the legislature, from which the committee emanated, for such action in the premises, as may be prompted by wisdom, dictated by justice, and guided by patriotism.

REUBEN D. TURNER.

Journal and Proceedings.

The joint committee appointed by the senate and house of representatives of the state of Michigan, on the 21st day of January, 1840, to whom was referred so much of the governor's message as relates to the currency, &c., met on the 28th instant, at the banking house of the bank of Michigan, at half past 6 o'clock. Present, Messrs. Edmunds, Gidley, Larue, Turner, Brown and Stockton.

The chairman of the committee, Mr. Edmunds, read the following resolution:

"*Resolved*, (the house of representatives concurring,) That a joint committee of three members of the senate, and five members of the house of representatives, be appointed, to whom shall be referred so much of the governor's message as relates to the currency of this state, with instructions to investigate the causes of the recent suspension of specie payments by the bank of Michigan, and the Farmers' and Mechanics' bank of Michigan, in the city of Detroit; and also to investigate the

present condition and affairs of said banks, with power to send for persons and papers.

"*Resolved*, That the vaults of both banks be examined at the same time, one by that portion of the committee appointed by the senate, and the other by that portion appointed by the house, or on any other principle of division which the committee may think proper to adopt; and that said committee report jointly, the result of their investigations to the senate and house of representatives."

After which Mr. Trowbridge, the president of the bank, addressed the committee.

On motion of Mr. Turner, the following oath was administered to the officers of the bank: "You do swear that you will true answers give to such questions as shall be put you by this committee, or any member thereof, touching the subject matter which they have under investigation."

The chairman of the committee submitted the following questions, viz:

Question 1. What is the nominal capital of this bank? What amount of said capital has been paid in in cash, and what amount in stock notes?

Answer. By Mr. Trowbridge, president. The nominal amount is $850,000 00. $500,000 00 has been paid in. No portion of the $500,000 00 was in stock notes, unless the committee should so construe three or four loans in the western part of this state, made for the accommodation of gentlemen residing there, who were desirous to become interested in the bank at the time of the establishment of the branch at Kalamazoo, but could not at the time furnish the money for the payment of their stock. Some of these have been paid, and two or three, the form of the security having been changed, remain in the bank.

Question 2. Has it been customary in making loans, to give to directors and stockholders a preference, and have directors and stockholders been subject to the same rules as to giving security or endorsers upon discounted paper, as other persons having no direct interest in the institutions?

Answer. By Mr. Trowbridge. The directors and stockholders have never had any preference in making loans, but they have always been subject to the same rules which govern in the case of other customers. When loans have been made to directors or stockholders, the same security has been required as in other cases.

Question 3. What is the amount now due the bank by the directors, and what the amonnt due from stockholders who are not directors?

Answer. By Mr. Sanger, cashier. The amount due by the

directors is $7,050 00. The amount due by all stockholders, not directors, is $41,969 00.

Question 4. In making loans to directors and stockholders, have you been governed by the consideration of their owning stock in the bank, or by the fact that their general business as compared with other individuals in community, entitle them to such facilities?

Answer. By Mr. Sanger. The same rules have always been observed in making loans to stockholders, that have been observed in relation to other dealers. Their owning stock has never given them any preference.

Question 5. Is it competent for any stockholder to transfer his stock without first paying in full his indebtedness to the bank, and are the loans made to stockholders to be paid at the convenience of the borrower, or at maturity as in ordinary business transactions?

Answer. By Mr. Trowbridge. The condition of the charter is, that no stockholder can transfer his stock while he is a debtor to the bank. Loans to stockholders are made on the same terms as to other individuals, in respect to time.

Question 6. Have the loans of the bank generally been made in large amounts, or have they been distributed through the state in such sums as might well be supposed to bear an equitable proportion to the ordinary business transactions of the several borrowers?

Answer. By Mr. Trowbridge. They have not generally been made in large amounts; they have generally been distributed through the state.

Question 7. Please to state the amount due from the bank to the government of the United States, when the same is payable, whether it has been secured, and what is the amount and nature of the security?

Answer. By Mr. Trowbridge. The amount due to the treasurer of the United States, as appears from the books of the bank, on the first of January instant, was $175,444 25. Since which period, payments have been made amounting to $86,952 19, reducing the amount due, to $88,492 06, to which sum is to be added, whenever ascertained by treasury statements, the balance of interest on the treasurer's account, supposed to be something over $30,000 00. For the payment of which, however, an equivalent sum in profits is set apart, not included in the statement rendered to the executive on the first instant, for the sum of $43,152 19, of the payments made, vouchers are not yet received from the treasurer of the United States, but are daily expected. The debt is secured to the United States, by the personal bonds of several individuals, including all the directors, the cashier, and several persons who are not in any way interested in the bank. The amount of security is

in a bond of $500,000 00, certified by the district attorney of the United States, for the state of Michigan.

Question 8. What were the total amount of liabilities on the first of January, 1840, and what the total amount of assets?

Answer. By Mr. Sanger. The total liabilities of the bank to the public, including the stockholders, on the first of January, 1840, were $1,261,660 88; the total assets the same amount.

Question 9. Please to state the total amount of liabilities of the bank to the public, designating the sums due to individual depositors, the United States, bill holders, the amount due on account of outstanding drafts, post notes, and other corporations; also the amount of assets designating as in the case of the liabilities?

Answer. By Mr. Sanger. The total amount of liabilities due to the public, exclusive of stockholders, is $606,404 31, made up of the following items, viz:

To the university of Michigan, payable June 1st, 1840,	$5,549 92
do do do 1841,	50,000 00
do treasurer of the United States,	175,444 25
do State of Michigan,	26,456 67
Due to banks,	14,728 27
Post notes on time,	17,524 00
Drafts on time,	49,509 69
Depositors,	192,806 51
Notes in circulation ($40,000 00, of which is supposed to be lost or destroyed in the course of 22 years' business of the bank,)	114,485 31
Total,	$606,404 31

The total amount of assets is $1,261,660 88, composed of the following items:

Loans on personal security,	$712,892 21
Real estate securities,	243,916 99
Banking house and furniture,	48,424 27
Due by the United States for advances to Indian department,	24,109 12
Due by the State of Michigan for advances,	36,267 29
Drafts of the state of Michigan on New York,	43,000 00
Due from banks,	49,873 72
Bank notes on hand,	22,584 00
Specie, gold and silver,	67,983 89
Specie loaned to Indian department, repayable in coin,	12,609 39
	$1,261,660 88

On motion of Mr. Turner, the chairman of the committee administered an oath to the secretary of the committee, requiring of him secrecy in regard to its proceedings, and that he should suffer no one to have access to the minutes, except the members of the committee and the officers of the bank.

On motion of Mr. Larue, the committee adjourned to meet at the banking house to-morrow, at half past two o'clock.

—

January 29, 1840.

Pursuant to adjournment, the committee met at the bank of Michigan. Present, Messrs. Edmunds, Gidley, Witherell, Larue, Turner, Stockton and Brown. The proceedings of yesterday were then read, after which the chairman put the following interrogatories:

Question 10. Please to state the total amount of assets and liabilities on the first day of August, 1836, and on the first January, 1837, 1838, 1839 and 1840.

Answer. Mr. Rawson, book-keeper of the bank, submitted in answer, the following statement:

Assets.

	Aug. 1, 1836.	Jan. 1, 1837.	Jan. 1, 1838.	Jan. 1, 1839.	Jan. 1, 1840.
Loans on personal security,	$1,851,364 09	$1,423,419 13	$1,223,184 51	$921,314 47	$712,892 21
Real estate securities,	33,174 58	34,110 58	57,316 25	115,554 41	243,916 99
Banking house and furniture,	8,500 00	8,500 00	35,991 48	46,790 48	48,424 27
Due by state of Mich. for advances,					36,267 29
Due by U. S. for adv. to Ind. dep't,					24,109 12
Drafts of the state of Mich. on N. Y.,					43,000 00
Due from banks,	1,964,686 86	782,008 98	224,260 23	137,226 02	49,873 72
Bank notes on hand,	124,414 00	114,813 00	35,639 00	24,576 00	22,584 00
Specie, gold and silver,	242,893 61	315,515 37	91,399 94	76,705 02	67,983 89
Specie loaned to Indian department,					12,609 39
	$4,225,033 14	$2,678,367 06	$1,667,791 41	$1,322,166 40	$1,261,660 88

Liabilities.

	Aug. 1, 1836.	Jan. 1, 1837.	Jan. 1, 1838.	Jan. 1, 1839.	Jan. 1, 1840.
Capital stock,	$450,000 00	$450,000 00	$450,000 00	$450,000 00	$450,000 00
do branch bank Michigan,	50,000 00	50,000 00	50,000 00	50,000 00	50,000 00
Profit and loss,	15,783 78	13,619 56	49,516 43	55,770 64	115,156 57
University of Michigan,				92,534 00	55,549 92
Treasurer of the United States,	1,812,352 34	986,079 17	489,039 00	333,020 48	175,444 25
Treasurer of the state of Michigan,					26,456 67
Due to banks,	432,956 99	53,972 92	47,569 26	29,581 45	14,728 27
Post notes on time,				37,731 00	17,524 00
Drafts on time,					49,509 69
Deposites,	482,653 03	631,496 41	210,891 72	144,255 83	192,806 51
Circulation,	981,287 00	493,199 00	370,775 00	129,273 00	114,485 00
	$4,225,033 14	$2,678,367 06	$1,667,791 41	$1,322,166 40	$1,261,660 88

Liabilities of the bank, August 1, 1836,	$3,709,249 36				
Means to meet the same,	4,225,033 14				
Liabilities of the bank, Jan. 1, 1837,		$2,164,747 50			
Means to meet the same,		2,678,367 06			
Liabilities of the bank, Jan. 1, 1838,			$1,118,274 98		
Means to meet the same,			1,667,791 41		
Liabilities of the bank, Jan. 1, 1839,				$766,395 76	
Means to meet the same,				1,322,166 40	
Liabilities of the bank, Jan. 1, 1840,					$606,404 31
Means to meet the same,					1,261,660 88

Question 11. Of the assets enumerated in the answer to the 9th interrogatory, what amount do you consider good and collectable, and what amount doubtful, or of that class denominated bad debts?

Answer. By Mr. Trowbridge, president. It is very difficult to determine precisely the character of some of the debts, and, therefore, I am unable to state in figures the proportions of unquestionable and doubtful debts; but I will state, that upon my assuming the charge of the bank, about a year ago, a careful examination was made into the character of the debt, at a meeting of a majority of the stockholders, and with the aid of my predecessor in office, the whole debt being taken up, item by item. The result of this examination was a conviction in the minds of the stockholders, that in any event the profits which have accrued, would cover all losses by reason of bad debts and leave the capital unimpaired. During the last year, some of the debts which were considered insecure have been amply secured, and a few which were thought good, have proved to be doubtful; but on the whole, the condition of the debt has very greatly improved, and I am confirmed in the opinion of its character, formed a year ago.

I will add, as connected with this subject, that it is the intention of the stockholders to allow the profits to accumulate until the condition of the country and of the bank improve, and all possible losses are provided for. It is not pretended that the immediate collection of the debt is practicable. The state of the country is such, as to require patient and persevering efforts to attain this object.

Question 12. Is the specie mentioned in the enumeration of the assets of the bank, the real and bona fide property of the institution, or is it here on special deposite and liable to be withdrawn by that class of depositors?

Answer. By Mr. Sanger, cashier. Some portion of the specie so mentioned is deposited by receiving and disbursing officers of the government. The amount on hand, January 1, 1840, has been reduced by payments, from $67,983 89, to $57,-464 14, of which sum, $11,671 22, is subject to checks payable in coin, but judging from the usual custom of persons presenting those checks, I think not more than one third of this sum will be required in coin.

There is one other deposite amounting to $4,268 00, subject to be drawn in coin, but for the greater portion of this sum, a check is now out awaiting the period when the bank shall be able to sell exchanges on New York.

Question 13. Please to state the amount due the bank by citizens of this state, and the amount due from citizens of other states?

Answer. By Mr. Sanger. The amount due by citizens of

this state is $832,909 00, and the amount due by individuals living out of the state is $123,900 00.

Question 14. Has the bank at any time since the suspension, had any connection with any exchange or broker's office, for the purpose of redeeming its notes at less than a par value?

Answer. By Mr. Sanger, cashier. The bank has had no connection with any other bank, broker or other individual, since the suspension of specie payment, or at any other time for the purchase of its own notes or other liabilities, or for the sale of exchange, at any price directly or indirectly, except as hereinafter explained.

With a view to accommodate its bill holders, and to put a stop to the popular clamor abroad against the currency of Michigan, arrangements were made in April, 1839, by which the bills of the bank were redeemed in the city of New York, by Messrs. Carpenter & Vermilye, bankers, at the same rates which were charged at the bank for drafts on New York, adding ¼ per cent, for their services, by which arrangement the bills of the bank were more valuable in New York, by three to twelve per cent, than the bills of other western and southwestern states. On the suspension of specie payments, this arrangement was discontinued. A similar arrangement existed with Messrs. John Ward & Co., for many years before the suspension of 1837.

Mr. Gidley presented a set of interrogatories at this stage of the proceedings, but afterwards withdrew them, to allow Mr. Turner to submit the following questions:

I. Loans on personal security.

Question 1. What is the responsibility of the makers and endorsers which constitutes the item, called in the statement of the bank of Michigan, "loans on personal security?"

Answer deferred.

Question 2. What amount of these loans on personal security is due by directors and stockholders?

Answer deferred.

Question 3. In what sums has it been loaned to each director and stockholder? Please state how many loans have been made to this class of borrowers, and in what amounts to each?

Answer deferred.

Question 4. How have they, (directors and stockholders,) secured the sums loaned to them?

Answer deferred.

Question 5. What length of time have such sums, loaned to directors and stockholders, been due?

Answer deferred.

Question 6. Are any of these loans to directors and stockholders under protest? If so, what amount?

Answer deferred.

Question 7. What steps have been taken by the bank for the recovery of loans on personal security?

Answer deferred.

Question 8. Have suits been commenced, and if so, for what amount; and for what amount has judgment been obtained?

Answer deferred.

Question 9. What amount of loans on personal security was made to members of the last legislature, and if any, how secured?

Answer deferred.

Question 10. What is the whole number of individuals to whom the loans on personal security has been made, and how many of them are residents of this state, and how many of them are merchants?

Answer deferred.

II. Real estate securities.

Question 1. Will the bank be pleased to furnish the committee a schedule of the real estate pledged to the bank, and held as security, specifying the liabilities, and in what counties the same is situated, and a description of the same?

Answer deferred.

Question 2. To what amount have mortgages been given to the bank?

Answer deferred.

Question 3. Where is the property mortgaged, located?

Answer deferred.

Question 4. Do the mortgages describe all the property which they purport to cover?

Answer deferred.

Question 5. At what valuation have debtors to the bank, mortgaged their real estate in the city of Detroit; please specify the number of lots and the improvements thereon?

Answer deferred.

Question 6. Has any of the real estate security been hypothecated by the bank; if so, to whom or what company, and what amount have they, the bank, received, or are to receive, on securities so pledged; and how and when do they exhibit such indebtedness?

Answer deferred.

III. Banking house and furniture.

Question 1. What was the cost of the lot on which the banking house is built?

Answer deferred.

Question 2. When was it purchased?

Answer deferred.

Question 3. What was the cost of the banking house?
Answer deferred.
Question 4. What was the cost of the furniture for the banking house? please exhibit the bills for both house and furniture.
Answer deferred.

IV. Due by the United States for advances to Indian department, per agreement.

Question 1. Please exhibit the accounts on your books.
Answer deferred.

V. Due by the State of Michigan for advances.

Question 1. To whom, and by what authority were these advances made?
Answer deferred.

VI. Drafts of the State of Michigan on New York.

Question 1. When were these drafts drawn?
Answer deferred.
Question 2. How did the bank get possession of them?
Answer deferred.
Question 3. What kind of funds was given for them? par funds or depreciated paper?
Answer deferred.
Question 4. When are these drafts due?
Answer deferred.

VII. Due from banks.

Question 1. What banks are indebted to the bank of Michigan under this head? Please mention their names and the amount due from each.
Answer deferred.
Question 2. Are they now solvent and redeeming their liabilities?
Answer deferred.
Question 3. How did this indebtedness arise?
Answer deferred.

Mr. Turner here suggested that the whole of his questions might be read at once, and a copy of them furnished the bank, to enable the officers to prepare the answers for the committee at their next meeting. He then proceeded to read the following:

VIII. Bank notes on hand.

Question 1. Are these bank notes, eastern bank notes, or Michigan chartered bank notes, or unchartered bank notes, or checks, small drafts, or due bills of individuals; and what amounts are there under each head?

IX. Specie, gold and silver.

Question 1. Is the gold and silver specified in your report of January 1, 1840, the bona fide property of the bank?

X. Specie loaned to the Indian department.

Question 1. What is the arrangement between the Indian department and the bank under this head?

(*a*) *Profit and loss.*

Question 1. What, and how much constitutes the debit side of the profit and loss account?

Question 2. What, and how much constitutes the credit side of the profit and loss account? Please exhibit this account on your books.

(*b*) *Due the University of Michigan.*

Question 1. How did this debt originate?

Question 2. When is it payable?

Question 3. Is there security given for its ultimate payment; and of what kind?

(*c*) *Due Treasurer of the United States.*

Question 1. When is this debt payable? and where?

Question 2. What is the security? state the security.

(*d*) *Due Treasurer of the State of Michigan.*

Question 1. On what account, or to what fund is this debt due?

(*e*) *Due banks.*

Question 1. How did this debt accrue?

Question 2. Is not the bank of Michigan indebted to its branch some $18,000 beyond the sum charged in its statement?

Question 3. Has not the bank of Michigan issued from their counter, their own notes, signed by their own officers, and stamped transversely with the words "payable at their branch," or words to the same amount, and by what authority was this done?

Question 4. Has not the bank, since the first of January, 1840, procured some $30,000 00 or more of their notes to be stamped at a printing office in this city, with the words payable at their branch at Kalamazoo, or words of similar import?

(*f*) *Post notes on time.*

Question 1. What was the amount of post notes issued by this bank?

Question 2. What amount remains on hand?

Question 3. Are any of these post notes due, and when due?

(*g*) *Drafts on time.*

Question 1. On whom were these drafts drawn?

Question 2. How many of them have been drawn by the bank? Please state their number and the amount of each.

Question 3. By what authority has the bank executed these drafts? Are they based upon funds deposited to meet them, or drawn upon their credit alone?

Question 4. Are all the drafts which the bank has executed, credited by them in this item, as a charge against themselves?

Question 5. What amount of drafts are out?

Question 6. What amount of drafts have been protested and returned?

Question 7. What amount of drafts have been protested and not returned?

(*h*) *Deposites.*

Question 1. Who are the depositors—citizens of this state, or of other states?

Question 2. Does the bank pay interest to depositors, for deposites—if yea, at what rate?

Question 3. Has the bank, or any of its officers for the bank, within the last six months, negotiated a loan of specie with any individual or banking institution, within this or any other state? If yea, to what amount, on what terms, and when was the negotiation completed?

Question 4. When the bank suspended on the 28th of October, 1839, was the act in consequence of a deficiency of coin, or other funds, to meet their outstanding circulation, or did it arise on the suspension of the banks in Ohio? Please state the reason why "it was deemed expedient to suspend temporarily the redemption of their notes in coin."

Question 5. Has the bank at any time since the 28th of October last, resumed, without public notice thereof, the payment of their notes in coin? If yea, for what period of time, and for what amount?

General questions.

Question 1. Have suits been brought against the bank, upon any of their notes; if so, to what amount? And what the largest, and what the smallest sum sued for?

Question 2. Has judgments been obtained, and has the bank taken the stay of execution allowed by law; and if so, for what length of time?

Question 3. Have you read the recent message of governor Woodbridge? if so, you have probably perceived that he

recommends to the committee to ascertain, and inquire, how far the purchase of the instalments of the state loan, due in 1839, may have driven your institution to a suspension of specie payments, and do you consider that your institution has been embarrassed by acting as the fiscal agent of the state, and in the purchase of its drafts? If so, in what way?

Question 4. If the bank has been embarrassed by acting as the fiscal agent of the state, in the purchase of its drafts, heretofore made, will not the purchase of the instalments due for the year 1840, lead to similar results; and prevent or protract the resumption of specie payments by the bank?

Question 5. What amount of New York funds has the bank procured by the purchase of the auditor general's drafts on account of the five million loan, for which it has not paid any premium?

Question 6. What amount of New York funds has the bank furnished the state for the purpose of meeting interest on bonds of the state due during 1839, and January 1, 1840, inclusive, free of any charge for exchange?

Question 7. When the auditor general has mad sales of time drafts to the bank, has he allowed the bank interest for the unexpired time they had to run; if so, what amount of interest has been so received?

Question 8. What kind of funds has the bank disbursed in payment of the treasurer's checks, drawn on the internal improvement fund?

Question 9. What kind of funds has the bank disbursed, for the payment of the treasurer's checks drawn on the general fund?

Question 10. What kind of funds has the bank received of the treasurer on account of the general fund?

Question 11. Has the bank purchased the auditor general's warrants on the treasurer of the internal improvement fund since the cash funds of the state, to the credit of that fund, were exhausted; if so, to what amount, what time has been assumed upon them, and what rate of interest charged, and what kind of funds was payment made in; if in the post notes of the bank, what time had they to run to maturity? were the post notes payable with or without interest; if payment was made in other funds, what kind?

Question 12. Has the bank purchased railroad or canal estimates of contractors on those works, or of other persons, since the cash funds were exhausted, belonging to the state? If so, state to what amount, what time has been assumed upon them, and what rate of discount charged, and what kind of funds payments were made in; if in post notes, how long had they to run to maturity; if payment was made in other funds, what kinds?

Question 13. What are the immediate and prospective liabilities of the bank, and on what account? Please state minutely and in detail?

Question 14. What kind and amount of assets has the bank, that can immediately or prospectively, be made available to meet its liabilities with, including specie on hand?

Question 15. When did the bank declare and pay its last dividend for profits earned; and what amount and rate per cent, did it divide among its stockholders?

Question 16. On drafts protested, returned from your banker in New York, state the causes; whether for want of funds or because funds deposited to meet sight drafts had been diverted by the order of the bank, in the purchase of drafts on time at a discount.

Question 17. What funds does the bank disburse in payment to the general government, or officers of the general government in payment of deposites.

Question 18. Has the bank been at any time in advance to the state since the commencement of its fiscal agency; if so state to what fund, for what length of time, and to what amount?

Question 19. What amount of funds derived from the auditor general's drafts on New York has been paid towards its indebtedness to the United States treasury department, during the year 1839?

Question 20. To what amount has the bank negotiated the drafts of the auditor general on the five million loan with the country banks or individuals of other states? Please state with what banks or what individuals.

Question 21. Who are the present bona fide owners of the stock of the bank of Michigan; where do they reside, and what is the amount of each individual's actual interest?

Question 22. What kind of funds have the collectors of tolls paid into the bank for receipts on the central railroad.

Question 23. What kind of funds has the treasurer deposited to the credit of the delinquent tax fund; if any in eastern, what proportion?

Question 24. What premium has the bank charged for drafts, at sight on New York, during the year 1839; and what for time drafts, having from three to four months to run to maturity?

Question 25. Does the bank chiefly use its branch notes in the transactions of its daily business; and has it not so used those notes during the last year?

Question 26. Has the bank at any time redeemed the notes of its branch at less than their par value; if so, at what rate?

On motion, the committee adjourned to meet at the bank of Michigan, on Friday, January 31st instant, at 2½ o'clock.

January 31, 1840.

The committee, pursuant to adjournment, met this afternoon, at 2½ o'clock, at the bank of Michigan. Present, Messrs. Edmunds, Gidley, Witherell, Larue, Turner and Brown.

The first business in order being Mr. Turner's special interrogatories, under the head of

I. Loans on personal security.

Question 1. What is the responsibility of the makers and endorsers which constitutes the item called in the statement of the bank of Michigan, "loans on personal security?"

Answer. By Mr. Sanger, cashier. If this question be intended to apply to the quality of the security, I answer, generally good.

Question 2. What amount of these loans on personal security is due by directors and stockholders?

Answer. By the same. The amount of loans to directors is seven thousand and fifty dollars. A majority of the directors have been in office from fifteen to twenty-two years, and have never been habitual borrowers of the bank. The amount of loans to stockholders, not directors, is forty-one thousand nine hundred and sixty-nine dollars; total, forty-nine thousand and nineteen dollars due by the holders of seven hundred and fourteen shares of stock, amounting to seventy-one thousand four hundred dollars. Four thousand two hundred and eighty-six shares of stock, amounting to four hundred and twenty-eight thousand six hundred dollars, is owned by persons who are not indebted to the bank. A large majority of the stockholders have never borrowed from the bank one dollar.

Question 3. In what sums has it been loaned to each director and stockholder? Please state how many loans have been made to this class of borrowers, and in what amounts to each?

Question 4. How have they, (directors and stockholders,) secured the sums loaned to them?

Answer. By the same. The sums loaned to directors have been as follows:

One note for five thousand dollars;

One note for one thousand and seven hundred and fifty dollars;

One note for three hundred dollars.

Total, $7,050 00.

The sums loaned to stockholders, not directors, have been as follows: to one stockholder, $1,600; one, $550; one, $650; one, $3,787; one, $550; one, $3,000; one, $7,500, (of which $3,000 has been paid since first January;) one, $4,000; one, $690; one, $4,000; one, $1,000; one, $14,000; one $300; one $100; one, $2,000; one, $91; one, $3,241. Total, $41,969 00.

The loans to directors are secured by endorsed notes, and by the pledge of fourteen thousand dollars of the capital stock.

The loans to stockholders, not directors, are secured as follows: $16,737 00, by endorsed notes, and by the pledge of $43,200 00 of the capital stock; $11,232 00, by the notes of the debtors, and by the pledge of $24,300 00 of the capital stock, and $14,000 00 by adequate real estate security, and the pledge of $7,500 00 of the capital stock.

Question 5. What length of time have such sums loaned to directors and stockholders been due?

Answer. By the same. $30,732 00 of these loans is not yet due. Of the remaining $18,287 00, $2,000 00 has been due two months; $3,000 00 three months; $1,000 00, in which (the debtor is deceased,) two years; $4,500 00, two years; $4,000 00, one year; $3,787 00, four months.

Question 6. Are any of these loans to directors and stockholders under protest; if so, to what amount?

Answer. By the same. The sum of $7,787 00 is under protest. The remainder of the $18,287 00, not being endorsed paper, although over due, is not under protest.

Question 7. What steps have been taken by the bank, for the recovery of loans on personal security?

Answer. By the same. Repeated personal application to the debtors, negotiations to perfect securities and suits at law.

Question 8. Have suits been commenced? And if so, for what amount? And for what amount has judgment been obtained?

Answer. By the same. Suits have been commenced amounting in the aggregate to $229,086 61. Judgments have been obtained to the amount of $100,000 00, as near as I am able to state.

Question 9. What amount of loans, on personal security, was made to members of the last legislature? and if any, how secured?

Answer. By the same. I have not had time to examine the books critically, but I do not recollect a single instance.

Question 10. What is the whole number of individuals to whom the loans on personal security has been made? And how many of them are residents of this state, and how many of them are merchants?

Answer. By the same. Four hundred and forty-eight, of whom ninety-eight are merchants. Three hundred and sixteen are residents of this state.

Special interrogatories by Mr. Turner.

II. Real estate securities.

Question 1. Will the bank be pleased to furnish the commit-

tee a schedule of the real estate pledged to the bank, and held as security; specifying the quantities, and in what counties the same is situated, and a description of the same?

Question 2. To what amount have mortgages been given to the bank?

Question 3. Where is the property located?

Question 4. Do mortgages describe all the property which they purport to cover?

Question 5. At what valuation have debtors to the bank mortgaged their real estate in the city of Detroit? Please specify the number of lots, and the improvements thereon?

Question 6. Has any of the real estate security been hypothecated by the bank? If so, to whom or what company, and what amount have they, the bank, received, or are to receive on securities so pledged? And how and where do they exhibit such indebtedness?

Answer. By Mr. Trowbridge, president. I trust the committee will indulge me while I make a few general remarks, before I proceed to answer the interrogatories specifically.

The questions seem to be founded upon a suspicion that some part of the history of the real estate securities of the bank is kept out of view in the exhibit of January 1st, 1840. If this be so, I hope to remove such suspicion by the following explanation.

In the latter part of the year 1838, it was found that the condition of Michigan would render it impracticable to collect during the year 1839, a sufficient amount of the debts due to the bank, to meet its liabilities falling due that year. A majority of the stockholders proposed an addition to the capital of the bank, of the sum of two hundred thousand dollars, but on inquiry it was found that the western stockholders could not pay their quota. The majority then consented that the bank might propose to such of its debtors as could not pay the money within a short period, to cancel their debts by giving their bonds, secured by mortgages upon unincumbered real estate situate any where within the limits of Michigan, of at least one and a half times the value of the debt to be secured, to be ascertained by the appraisal of its actual cash value, by three disinterested persons acquainted therewith, whose integrity and competency should be certified by some judicial officer or other public functionary. The proportion of security to debt, was afterwards increased by them to double the amount. At the same time, these stockholders agreed with each other, to purchase these securities, to have them transferred to a trustee, who should be chosen by them, and to pay to the bank, each in proportion to the capital stock held by him, during the year 1839, the sum of two hundred thousand dollars. The bank and the debtors gladly acceded to the proposal; the mortgages

have been from time to time completed, transferred, and sent to the trustee, and the stockholders have paid to the bank in cash, according to the agreement, the sum of two hundred thousand dollars, out of which one hundred and eighty thousand dollars has been paid to the United States, and the remainder used in the ordinary business of the bank.

For the convenience of the purchasers, a place of payment was designated in the city of New York, namely: the office of the North American Trust and banking company; but I have reason to believe that no part of the mortgages has ever been offered to that company or to any other corporation or person, for sale, or as hypothecated securities.

Question 1. Will the bank be pleased to furnish the committee a schedule of the real estate pledged to the bank, and held as security, specifying the quantities; and in what counties the same is situated, and a description of the same?

Answer. By the same. I am unable to furnish this list, because many of the securities are in the hands of attorneys in different places for collection.

Question 2. To what amount have mortgages been given to the bank?

Answer. By the same. Referring to the foregoing explanation, my reply will be understood to include only the mortgages taken by the bank as security from time to time, excepting those purchased by the eastern or majority stockholders. The amount so given to the bank as security is $134,789 54. The remainder of the sum of $234,916 99, mentioned in the exhibit of January 1st, is composed of real estate bid in on execution in favor of the bank, or purchased by mutual agreement.

Question 3. Where is the property located?

Answer. By the same. For the reason given in the answer to interrogatory No. 1, under this head, I am unable to answer this question accurately. I will state from recollection, that the property is located generally in the state of Michigan, in the counties of Wayne, Oakland, Washtenaw, Monroe, Lenawee, Calhoun, Kalamazoo, Allegan and Jackson.

Question 4. Do the mortgages describe all the property which they purport to cover?

Answer. By the same. They do, as far as I have any knowledge on this point.

Question 5. At what valuation have the debtors to the bank, mortgaged their real estate in the city of Detroit? Please specify the number of lots and the improvements thereon.

Answer. By the same. I believe the rules established in regard to the value of the property mortgaged, as stated in the explanatory remarks under this head, have always been observed. I cannot specify the lots mortgaged because the

papers, as heretofore explained, have been transferred and sent away.

Question 6. Has any of the real estate security been hypothecated by the bank, if so, to whom, or what company, and what amount have they, the bank, received, or are to receive, on securities so pledged? And how and where do they exhibit such indebtedness?

Answer. By the same. No part of the real estate securities, has been hypothecated by the bank.

Before leaving this subject, I will remark that there is one description of securities, not touched upon by the committee, namely: real estate actually purchased in payment of debts due to the bank. Of this description the bank holds in the city of Detroit, lands and buildings received in payment of debts, at the aggregate sum of $71,000 00. This property was purchased after an appraisal by discreet men, and although some part of it is vacant and unoccupied ground, the annual rental is $3,650 00.

Special interrogatories by Mr. Turner.

III. Banking house and furniture.

Question 1. What was the cost of the lot on which the banking house is built?

Answer By Mr. Sanger, cashier. The lot on which the banking house is built, cost $14,442 40.

Question 2. When was it purchased?

Answer. By the same. In the winter of 1836–7.

Question 3. What was the cost of the banking house?

Answer. By the same. The present cost of the banking house and furniture, is $33,981 87.

Question 4. What was the cost of the furniture for the banking house? Please exhibit the bills for both house and furniture.

Answer. By the same. Some of the furniture is very old, and the bills are not at hand. I present a schedule of it, however, with an estimate of its probable cost, and the bills for part of it.

Carpets in offices, per bill herewith,	$51 10
Old carpet in junior clerk's room, per bill,	68 63
Bedstead and bedding in do do	20 00
1 washstand, do do	3 00
1 looking glass, do do	2 50
1 old arm chair and cushion in president's room,	3 00
12 rush bottom chairs, as ber bill, $2 50,	30 00
1 pair fire dogs, in president's room,	2 50
1 stove and pipe in banking room,	35 00
Carried forward,	$

				$
Brought forward,				
1 stove and pipe in cashier's office,				28 00
1 stove and pipe in junior clerk's room,				13 00
1 cashier's desk,		do	do	15 00
1 book keeper's do		do	do	50 00
1 paper case, pine,		do	do	20 00
1 old table in banking room,				25 00
1 pair shovel and tongs, do				2 75
1 clock,	do	do	do	15 00

The desk used by the president, being his private property, is not included in the above schedule. The furniture in the book keeper's and teller's room, being their private property, is also excluded.

Special interrogatories by Mr. Turner.

IV. Due by the United States, for advances to Indian Department per agreement.

Question 1. Please to exhibit the amounts on your books.

Answer. By D. G. Jones, vice president, In explanation of this item, I will state, at the request of the president of the bank, that in the month of November last, being in Washington, I had an interview with the secretary of war, the secretary of the treasury, and the commissioner of Indian affairs, in which I stated that the claimants under the treaty of Saginaw, were much in want of the money due them, and that the bank was willing to pay such of the claimants as were satisfied to receive payment in the currency of the country, and take credit upon its debt to the United States. This was cordially assented to; an order was issued accordingly, and this account exhibits the payments made. The payment has been reported to the Indian bureau, and the warrant is daily expected.

Special interrogatories by Mr. Turner.

V. Due by the State of Michigan for advances.

Question 1. To whom, and by what authority, were these advances made?

Answer. By Mr. Sanger, cashier. Most of the advances were made to the commissioners of internal improvement, upon their urgent solicitations, from time to time, for the purpose of carrying on the public works of the state. But by a rule of the board, in no instance departed from, no advance has been made to any commissioner, except upon the auditor general's warrants. And no advance has been made to a contractor except upon such warrant, or upon an "estimate," with the pledge of the commissioner to replace it by a warrant without delay, which has always been done. In other words, no loans or advances have been made, in anticipation of the re-

ceipt of warrants, and the whole sum reported as advances to the state on the 31st December, was in auditor general's warrants. In further explanation, I will remark, that when the railroad between Ypsilanti and Ann Arbor was partly completed, the auditor general and commissioner applied to the bank for such advances, and it was agreed that the receipts of the road should be applied to repay the amount; but the necessities of the state afterwards required that these receipts should be sent to New York, to protect the credit of the state, and at the request of the late treasurer, the bank released its claim, paid the money in New York without premium of exchange, and now holds the warrants.

I present the copy of the commissioner's application on that occasion.

(Copy.)

OFFICE OF THE BOARD OF INT. IMP'T,
Detroit, October 28, 1839.

DEAR SIR—I beg leave to renew my application for a further advance from the bank, in order to enable me to discharge the laborers upon the railroad between Ypsilanti and Ann Arbor. The work is finished, and the men can be discharged if I can be furnished with the means by the bank. If not paid, I cannot answer for the consequences, as the laborers are in a state of great distress and excitement and threaten to destroy the public works. I have consulted with the auditor general, who concurs with me in the opinion, that it is our first duty to get rid of these laborers, and with them the daily expense now accruing to the state.

Yours, respectfully,

(Signed,) W. R. THOMPSON,
Com. C. R. R.

C. C. TROWBRIDGE, *Esq., Pres't, &c.*

Special interrogatories by Mr. Turner.

VI. Drafts of the State of Michigan on New York.

Question 1. When were the drafts drawn?

Answer. By Mr. Sanger, cashier. At different times during the latter part of the year 1830, to wit: July 19th, $10,000 00; July 23d, $33,000 00. The bank held a larger sum in these drafts, payable at the same time with those stated in this answer, but having procured them to be discounted, they were of course not reported.

Question 2. How did the bank get possession of them?

Answer. By the same. By virtue of a contract made with the auditor general, pursuant to an act of the legislature, passed in April, 1839, authorizing the sale of the instalments accruing on the five million loan.

Question 3. What kind of funds was given for them? Par funds or depreciated paper?

Answer. By the same. Par funds.

Question 4. When are these drafts due.

Answer. By the same. They are due on the first January, 1840.

Special interrogatories by Mr. Turner.

VII. Due from Banks.

Question 1. What banks are indebted to the bank of Michigan under this head? Please mention their names, and the amount due from each.

Question 2. Are they now solvent and redeeming their liabilities?

Question 3. How did this indebtedness arise?

Answer. By Mr. Sanger, cashier. I present herewith a list of the items composing the sum stated in the exhibit of January 1st.

The item No. 1, is explained in the answer of the president to Mr. Turner's interrogatories under the head real estate. Mr. Sill is the trustee therein mentioned. $31,800 00 of the amount charged to him was actually in the Merchants' bank at Boston, to be paid the United States on the 31st Dec., 1839, but could not be entered here on that day for want of the voucher.

Nos. 2, 3 and 4, mentioned in the list are not now redeeming their liabilities.

	Dr. Banks.	
	John Ward & Co.,	$2,679 88
No. 1,	W. E. Sill, New York,	43,513 45
No. 2,	Detroit city bank,	41 57
	Bank Buffalo,	242 06
	Bank Geneva,	130 46
	H. R. Seymour & Co.,	115 58
	Commercial bank of Lake Erie,	620 49
	Bank Metropolis, Washington,	628 75
	Franklin bank, Cincinnati,	68 07
No. 3,	Bank of Washtenaw,	983 23
No. 4,	Bank of Monroe, Michigan,	570 98
	Bank of Auburn,	67 78
	Ontario branch bank,	101 64
	Bank of Rochester,	77 39
	Sundry banks, (small balances,)	32 46
		$49,873 72

Special interrogatories by Mr. Turner.

VIII. Bank notes on hand.

Question 1. Are these bank notes eastern bank notes or Michigan chartered bank notes, or unchartered bank notes, or checks, small drafts or due bills of individuals, and what amounts are there due under each head?

Answer. By Mr. Sibley, teller. I cannot state with certainty as to the different descriptions of notes on hand, as I keep no account of the foreign paper in bank, changing as it does from day to day.

The committee can judge pretty correctly of what constituted this item in the statement of the first instant, by reference to the schedule of the different notes on hand *to-day*, which I hand you herewith.

The bank holds $8,008 in "unchartered Michigan bank notes" or "wild cat," so called, which is charged to the account of "suspended debt" on its books. Some part of this will undoubtedly be lost.

In the item of bank notes there were no "checks, small drafts or due bills of individuals."

Schedule of bank notes on hand in bank of Michigan, January 31, 1840.

Bank of Clinton,	$529 00
Calhoun county bank,	103 00
Detroit and St. Joseph railroad bank,	127 00
Merchants' bank of Jackson,	43 00
Farmers' and Mechanics' bank and branch,	10,674 00
Branch bank of Michigan,	2,121 00
Canada notes,	2,128 00
Eastern notes,	606 00
Ohio, Indiana and Illinois,	16,853 00
St. Clair bank,	130 00
	$33,329 00

Special interrogatories by Mr. Turner.

IX. Specie, gold and silver.

Question 1. Is the gold and silver specified in your report of January 1, 1840, the bona fide property of the bank?

Answer. By Mr. Sanger. I respectfully refer to my reply to the 12th general interrogatory of the committee.

Special interrogatories by Mr. Turner.

X. Specie loaned to Indian department.

Question 1. What is the arrangement between the Indian department and the bank, under this head?

Answer. By the President. In the month of October, the superintendent of Indian affairs for this state, requested me to make him some advances, in order to enable him to pay the annuities to the Indians at Saginaw, who had been assembled for the purpose of receiving the same, and to close the business of his fiscal year, the remittances to him by the department being then expected within a few weeks at farthest. The advances were accordingly made, and it is presumed that the treasury drafts for the same have gone to Mackinac, where the superintendent now is, and that the amount will be repaid without delay.

Note.—Saturday evening, February 1. The drafts alluded to above, came to hand this day.

Special interrogatories by Mr. Turner.

(*a*) *Profit and loss.*

Question 1. What, and how much constitutes the debit side of the profit and loss account?

Answer. By Mr. Rawson, book keeper. The debit side of the profit and loss account is forty-nine thousand six hundred and sixty-six dollars and twenty-three cents. This amount has been paid for sundry expenses, such as salaries of the officers of the bank, county, town, city and road taxes, discount and expenses on sundry state drafts negotiated east, discount paid John Ward & Co., on sundry bills, interest on university account, losses on bad debts, postage, wood, oil, stationery, &c., &c.

Question 2. What, and how much constitutes the credit side of the profit and loss account? Please exhibit this account on your book.

Answer. By the same. The credit side of the profit and loss account is one hundred and sixty-four thousand eight hundred and twenty-two dollars and eighty cents. This amount has been received for discount on state drafts, bills discounted, drafts sold, interest on past due paper, exchanges, &c., &c.

Special interrogatories by Mr. Turner.

(*b*) *Due the University of Michigan.*

Question 1. How did this debt originate?

Answer. By Mr. Sanger, cashier. In the purchase, by the bank, of the board of regents of the university of Michigan, of Michigan state bonds to the amouut of $100,000, authorized by an act of the legislature, for the benefit of the university of Michigan, passed during the session of 1838.

Question 2. When is it payable?

Answer. By the same. The balance remaining unpaid, is

payable at the following times: June 1, 1840, $5,592 12; June 1, 1841, $50,000.

Question 3. Is there security given for its ultimate payment, and of what kind?

Answer. By the same. Ample security has been given to the regents, as certified by a committee of their own board, consisting of the bond of the bank, secured by the personal liability of the directors in their individual capacity, and the names of other persons not interested in the bank.

Special interrogatories by Mr. Turner.

(c) Due Treasurer of the United States.

Question 1. When is this debt payable, and where?

Answer. By Mr. Sanger, cashier. By an arrangement with the proper officer of the treasury, this debt is payable during the year 1840, at the treasury, unless some other place is agreed upon, as is generally done. So much of the debt as, by the arrangement, is payable before the first of May, has been paid.

Question 2. What is the security?

Answer. By the same. Refer to general interrogatory of the committee, No. 7, and the answer thereto.

(*See Page* 377.)

Special interrogatories by Mr. Turner.

(d) Due Treasurer of the State of Michigan.

Question 1. On what account, or to what fund is this debt due?

Answer. By Mr. Rawson, book keeper.

Inter'l improv't fund,	$793	25	Sinking fund,	$1,262	15
Treasurer do	149	44	Primary school fund,	3,413	22
Balance,	26,456	67	Primary sch'l int. do	6,051	74
			Contingent do	83	69
			Delinquent tax do	16,588	36
	$27,399	36		$27,399	36
Balance,				$26,456	67

Special interrogatories by Mr. Turner.

(e) Due Banks.

Question 1. How did this debt accrue?

Answer. By the same. The greater part is a balance due to the branch bank at Kalamazoo, growing out of the business between the parent bank and the branch. The remainder con-

sists of small balances due to nineteen banks, arising from the general interchange of business.

Question 2. Is not the bank of Michigan indebted to its branch some $18,000 00, beyond the sum charged in the statement?

Answer. By Mr. Rawson, book keeper. Not to my knowledge.

Question 3. Has not the bank of Michigan issued from their counter their own notes, signed by their own officers, and stamped transversely with the words "payable at their branch," or words to the same amount? And by what authority was this done?

Answer. By Mr. Sanger, cashier. The bank of Michigan has issued from its counter, notes similar to those described in the interrogatory, to wit: notes of the parent bank, endorsed by the cashier of the branch bank.

The authority for doing this is found in the 5th section of the act entitled "An act to establish branches of the bank of Michigan, Farmers' and Mechanics' bank of Michigan, and bank of River Raisin," approved March 7, 1834.

Question 4. Has not the bank, since the first of January, 1840, procured some $30,000 00 or more of their notes, to be stamped at a printing office in this city, with the words "payable at their branch at Kalamazoo," or words of similar import?

Answer. By the same. It has. Most of the notes used by the branch since it was chartered in 1834, have been so stamped at the same office.

Special interrogatories by Mr. Turner.

(f) Post notes on time.

Question 1. What was the amount of post notes issued by the bank?

Question 2. What amount remains on hand?

Question 3. Are any of these post notes due, and when due?

Answer. By Mr. Sibley, teller. In the year 1838, the bank issued post notes to the amount of $49,731 00, which have all been redeemed except $1,658 00 that have not been presented for payment.

In the year 1839, it issued $19,150 00, and there were in circulation on the first instant, $15,866 00, payable in the months of July, August, September and October, of the present year.

Special interrogatories by Mr. Turner.

(g) Drafts on time.

Question 1. On whom were these drafts drawn?

Answer. By Mr. Sanger, cashier. On Messrs. John Ward & Co., bankers, New York.

Question 2. How many of them have been drawn by the bank? Please state their number and the amount of each?

Answer. By Mr. Rawson, book keeper. I present, herewith, a list containing the information asked for,

$200 00	$200 00	$100 00	$100 00	$100 00	$116 60
100 00	200 00	100 00	100 60	100 00	142 00
500 00	100 00	100 00	100 00	138 44	142 00
500 00	500 00	100 00	100 00	110 00	193 05
500 00	500 00	100 00	100 00	1,332 25	200 00
100 00	500 00	100 00	100 00	100 00	70 17
100 00	500 00	193 85	100 00	100 00	400 00
100 00	300 00	150 00	100 00	100 00	200 00
100 00	200 00	150 00	100 00	100 00	100 00
100 00	200 00	150 00	2,000 00	200 00	100 00
100 00	200 00	150 00	2,000 00	200 00	250 00
1,091 86	200 00	110 00	2,000 00	200 00	500 00
100 00	200 00	100 00	2,000 00	200 00	500 00
500 00	300 00	1,468 57	90 00	268 00	525 00
500 00	300 00	116 00	112 50	100 00	1,000 00
300 00	300 00	150 00	100 00	100 00	330 00
300 00	300 00	202 00	300 00	100 00	100 00
200 00	100 00	100 00	100 00	100 00	100 00
1,085 00	13,800 00	2,000 00	303 00		
					$49,509 69

N. RAWSON.

Question 3. By what authority has the bank executed these drafts? Are they based upon funds deposited to meet them, or drawn upon their credit alone?

Answer. By Mr. Sanger, cashier. No drafts at sight have, to my knowledge, ever been drawn, without funds for the payment thereof; and no drafts on time have ever been drawn, which were not drawn against the state drafts, against the drafts of other banks falling due at the same time, or against private bills of exchange, the payment of which was considered unquestionable.

Question 4. Are all the drafts which the bank has executed, credited by them in this item, as a charge against themselves?

Answer. By the same. The statement exhibited, shows all the drafts executed and falling due from the 1st of January, onward. Those due prior to that date, except two hereafter mentioned, have all been paid, and some due after that date, were paid before maturity. Those included in the item stated, all fell due on the quarter January instant, except $1,085 00 sent to pay interest for the state, which fell due on the 15th instant, and has been paid.

Question 5. What amount of drafts are out?

Answer. By the same. I do not know that there are any out.

Question 6. What amount of drafts have been protested and returned?

Question 7. What amount of drafts have been protested, and not returned?

Answer. By the same. On the 6th November last, owing to a mistake, a number of small drafts, amounting in the aggregate to about $12,000, were protested, but they were all paid at New York, with expenses, most of them the next day, and the remainder within three or four days thereafter, excepting two or three small ones which were paid here by sight drafts on New York, and as many of like character at the request of the holders in other manner.

On the 4th instant, four drafts of $2,000 each, were, to the bank, very unexpectedly protested for non-payment, owing, as we suppose, to the non-payment of some drafts held by the bank and payable in the latter part of the year 1839; but nothing further has been heard of these drafts, and it is supposed that the agent of the bank has paid them on account of the bank, in anticipation of the payment of discounted bills belonging to the bank, in his hands for collection.

One other draft of $200, and one of $500, were protested some time in December, which have not been returned for payment. These are all the drafts out, of which I have any knowledge.

Note.—February 11th. The drafts alluded to have been paid as anticipated in the above answer.

Special interrogatories by Mr. Turner.

(*h*) *Deposites.*

Question 1. Who are the depositors—citizens of this state or of other states?

Answer. By Mr. Sanger, cashier. Two hundred and forty-one citizens of this state, twenty-six citizens of other states, and eleven persons whose residence is unknown to me.

Question 2. Does the bank pay interest to depositors for deposites? If yea, at what rate?

Answer. By the same. No, except to the university of Michigan, to whom it pays seven per cent, per annum. A proposition was made to the bank by an individual, before the suspension of specie payments, and renewed since, to loan the sum of $4,000 00 in coin, for a term of six or nine months, upon interest, which was not accepted. I will add, that within a few days, the bank has made an arrangement to pay the corporation interest on their current account, for a limited time.

Question 3. Has the bank or any of its officers for the bank, within the last six months, negotiated a loan of specie with any individual or banking institution, within this or any other state? If yea, to what amount, on what terms, and when was the negotiation completed?

Answer. By the president, cashier, book keeper and teller. No loan of specie has been negotiated by the bank, or by any other person, with any individual or banking institution within this or any other state, within the last six months; and we have no knowledge of such a loan *ever* having been made to the bank at any other time.

Question 4. When the bank suspended on the 28th of October, 1830, was the act in consequence of a deficiency of coin or other funds, to meet their outstanding circulation, or did it arise on the suspension of the banks in Ohio? Please state the reason why "it was deemed expedient to suspend temporarily the redemption of their notes in coin."

Answer. By Mr. Trowbridge. I cannot state the cause of the present suspension without adverting to the history of the bank for several years past. For some time prior to June, 1836, this bank had been a bank of deposite for the government. From the year 1818, all the public officers in this part of the country had made their disbursements through it, and in the year 1835, particularly, the government held in our custody a large sum of money. But inasmuch as these deposites were held always subject to withdrawal without notice, they were held in such condition as to be at all times available; and the bank pursued its even course from year to year, ma-

king considerable profits, doing much good to the country, and maintaining a high credit.

In the month of June, 1836, congress passed an act authorizing the employment of state banks as depositories of the public revenue, upon the following, among other conditions: the banks were to pay two per cent interest upon the whole amount of such deposites, to take all the risk of transporting them from time to time to any part of the union, and to do this free of all expense or exchange. It was inferentially understood that they were to use this money as a means of reimbursing themselves for this risk, and expense and interest. All the debates were to this end. Such became the settled policy of the government, and accordingly the banks were instructed by the treasury department to lend it to the community. It became, therefore, an object with the banks to cover their increased expenses, losses by exchange and risks of transportation, as well as the interest by lending as much of the money as possible.

It was very soon found that the system did not work well; that banks were multiplying very rapidly, and that fictitious capital was increasing to an alarming extent.

The remedy adopted was a severe, though it may have been a necessary one. The "specie circular" was issued. Congress soon afterwards met, and the act distributing the surplus moneys was passed. The deposite banks in Michigan were called upon to transfer to New York and Boston, for the use of the states, the whole of the public moneys in their keeping, without delay. The committee will recollect that the effect of the withdrawal of twenty-eight millions from the deposite banks, was the suspension of specie payments in May, 1837. When that event happened, the debt of this bank to the United States, which on the first of August preceding, was $1,812,-352 00, had been reduced to $755,000 00. Since May, 1837, there has existed throughout the United States a degree of pecuniary embarrassment unexampled in the history of the country. No state has felt this more severely than Michigan. A debtor state to all around her, even for the necessaries of life, without any exports except from her fisheries—these exceedingly limited—deeply embarrassed by extensive importations of foreign merchandize, by the embarkations of her citizens in all imaginable plans of speculation, and by the introduction of habits of extravagance unfitted to the people of a new country, it was naturally to be expected that her citizens would demand legislative interposition between the creditor and debtor. The power was in the hands of the people, and they exercised it; but while they provided for their own relief, they left the banks to take care of themselves. These were called upon to redeem all their liabilities, and as the general scarcity of money increased, the demands upon them became more press-

ing. In addition to this cause, there has been an increasing drain of moneys out of the state to meet the foreign debt. In consequence of all which, the currency of the state has been exhausted, and it has been impracticable to collect the debts due to the bank, with sufficient rapidity to meet the demands of the depositor and bill holder, and to pay its other liabilities. Notwithstanding these embarrassments, the bank has patiently and industriously devoted itself to the difficult task, and has succeeded in reducing its total indebtedness, except to stockholders, between August 1, 1836, and January 1, 1840, as exhibited in a sheet before your committee, from $3,709,250 00 to $606,404 00. In October last, the United States, and other banks in the neighboring states of Illinois and Ohio, suspended specie payments. The consequence was, a run upon the bank of Michigan for coin, from all these states; and this cause, added to the want of means for providing eastern exchange for our merchants, and the high price of money in the Atlantic cities, which precluded the possibility of negotiations for temporary relief, produced a crisis in its affairs. The bank found that its exertions to keep up a supply of coin adequate to the wants of the country, until the crops of 1839 could be realized, would be fruitless; and having breasted the storm for several weeks after the suspension had become general, it was deemed a matter of duty to the stockholders and to the people of Michigan, to yield to the stern necessities of the case, and suspend specie payments. It is believed that the measure met the general approbation of the business community, as one of defence against foreign demands to the exclusion of our own citizens. It follows, then, that the true reason for the suspension of specie payments by the bank of Michigan, is the inability of its debtors, in the present state of the country, by any sacrifice, however great, to pay what they owe; which inability I have endeavored, as above, to trace to its source.

Question 5. Has the bank at any time, since the 28th of October last, resumed without public notice thereof, the payment of their notes in coin? if yea, for what period of time, and for what amount?

Answer. By Mr. Sanger, cashier. The bank has received in deposite and paid out on its notes more or less coin in small sums every day, (sundays and holy days excepted,) since the 28th October last.

General questions by Mr. Turner.

Question 1. Have suits been brought against the bank upon any of their notes; if so, to what amount, and what the largest and what the smallest sum sued for?

Question 2. Has judgment been obtained, and has the bank taken the stay of execution allowed by law, and if so, for what length of time?

Answer. By Mr. Trowbridge, president. Suits have been brought against the bank upon their notes in the names of the following persons, at the dates and for the sums mentioned, viz:

Nelson Robinson,	Dec. 19, 1840,	$5 00
Peleg S. Utley,	do	5 00
Ansel Roberts,	do	5 00
Thomas F. Field,	do	5 00
John B. Elwood,	do	5 00
Ansel Chappell,	do	5 00
Chauncey Johnson,	do	5 00
Thomas J. Patterson,	do	5 00
Hiram Waring,	do	5 00
James A. Taylor,	do	5 00
Willson Lambert,	do	5 00
James A. Taylor,	Jan. 4, 1840,	20 00
Josiah Kingsbury,	do	20 00
Edward Y. Morton,	Jan. 15,	2 00
Nelson Robinson,	do	20 00
Peleg S. Utley,	do	5 00
Elias Geer,	do	5 00
Jno. Stanton,	do	6 00
Valentine Kirby,	do	20 00
William Geer,	do	1 00
Daniel Wakefield,	Jan 17, 1840,	6 00
Edward R. Moseley,	do	3 00
Isaac Scofield,	do	3 00
Hiram Waring,	do	3 00
Isaac Kelby,	do	3 00
Edward Y. Morton,	do	3 00
Jer. B. Shepard,	do	5 00
John T. White,	do	3 00
Aaron Kimball,	do	5 00
Lewis E. Root,	do	5 00
Erasmus P. Smith,	do	3 00
Alfred Hubbell,	do	6 00
		$202 00

Amounting in the whole to the sum of two hundred and two dollars. Upon most of the cases, judgment has been rendered and security given for the stay of execution.

As the question of these suits, if unexplained to the committee, may lead to unfavorable impressions in regard to the conduct of the bank, I beg leave to make the following explanatory statement.

When I took charge of the bank a year ago, I found a suit pending against it in favor of Messrs. Robinson, Waring & Co.,

brokers, of Buffalo. In the month of March, the attorney of the plaintiffs submitted to me a statement of the case, and requested payment. I placed the statement in the hands of the attorneys of the bank for examination. They returned it with a written opinion, that if all the allegations of the plaintiffs were admitted, they would have no cause for action. Mr. Robinson at that time or soon afterwards, came to Detroit, and at my request had several interviews with the board of directors on the subject, from whom he received the assurance that they were desirous to do whatsoever might be just in the matter. The late president of the bank, the cashier, and the gentleman who acted as teller at the time of the transaction upon which the suit was founded, were all examined before the board of directors, and all testified that the allegations in the plaintiffs statement above alluded to, were untrue. The agent of the gentlemen whose draft formed the ground of the suit, subsequently appeared before the board and testified that so much of the plaintiffs statement as related to him, was untrue. The testimony of these gentlemen was communicated without delay to Mr. Robinson and to his attorney.

Under these circumstances, the board of directors could not but conclude that there was neither legal nor moral obligation upon the bank to pay the claim. But they perceived that the plaintiffs and their attorney were much prejudiced against the bank, and accordingly I was authorized to make, and did make, to Mr. Robinson, the following proposals, namely: to bring the cause to trial at the first term of the court; to refer the matter in difference to three disinterested business men, to be mutually chosen by the parties, or to give him one thousand dollars in cash, and allow him to collect as much as he could for his own benefit, out of the parties to the draft in question.

Some time after this proposition was made, (for Mr. Robinson was often at Detroit during the spring and summer of 1839,) Mr. Robinson presented to the cashier an offer to discharge the bank upon the payment of twelve hundred and ten dollars. But, in the interim, the bank learned that Mr. Robinson and his attorney had industriously circulated a charge of gross fraud on the part of the bank, and that they had threatened to employ the whole capital of the plaintiffs, (said to be large,) in breaking it down; at the same time boasting that they had drawn from the bank, in the year 1838, twenty-five thousand dollars in coin with a view to bring it to terms.

This procedure induced the board to think, that duty to the stockholders, to the officers connected with the transaction, and to themselves, demanded a full exposition of all the facts of the case before a jury, and they, therefore, declined the proposal.

Since the sitting of the court at its last term in November,

1839, it was ascertained that the plaintiffs had discontinued their suit, and had attached the funds of the bank in the city of New York, and soon after, and since the suspension of specie payments by the banks in this city, the attorney of the plaintiffs presented at the counter of this bank, a package of bank notes, demanding coin therefor. This was refused, and a few days afterwards eleven suits were commenced against the bank by this attorney, as specified in this answer. Other suits, to the number of twenty-one in all, have been commenced by the same attorney, in the names in this answer specified, *but without any other demand than the one herein above mentioned.*

Being fully persuaded that much ill-founded prejudice might arise in the minds of the community from these suits, I requested an attorney of the bank to state, that even now, the directors were willing to do whatever was equitable in the matter; but the answer by the plaintiffs' attorney, as stated in an affidavit, herewith presented, was, *that they and he had taken their course, that they intended to annoy the bank in every possible way, until they compelled it to pay in costs the full amount of the claim in question, and that he could not negotiate in any manner as to any arrangement.*

In regard to the suits before the justice, I directed the bank attorneys to allow the plaintiffs to take their own course in three of four cases. The result was, that juries were called in each of the four cases, one of which was for the recovery of one dollar and one for two dollars, with costs in each case, two dollars ninety-four cents, and the exhibition of the case of one dollar in a newspaper, as an evidence of the weakness of the bank. No other suits than those herein specified, have been brought against the bank upon their notes.

(Copy.)

State of Michigan, Wayne County, ss.

George C. Bates, of the city of Detroit, one of the firm of Bates & Talbot, being duly sworn, deposeth and saith, that he was employed by the bank of Michigan to defend a cause pending in the circuit court of the county of Wayne, in which Robinson, Warring & Co., were plaintiffs, and the bank the defendant; that he carefully and thoroughly examined into all the facts and the law of the case, soon after the suit was commenced, and advised the said bank, that in his, deponent's opinion, there was not a shadow of *legal* claim on the bank by said plaintiffs. And this deponent further saith, that the foregoing statement of C. C. Trowbridge, so far as deponent is acquainted with the facts, is true; that Wm. Hale, Esq., attorney for the said plaintiffs, on two several occasions, when deponent stated that the bank were anxious to settle the affair and would

pay half the loss, stated in reply, "that he would make no terms with the bank, except they would pay the whole amount, that he would commence and continue to sue the bank on her notes until he had drawn from the bank in costs, the amount in controversy." And deponent further saith, that on another occasion, he invited Mr. Hale to see the president of the bank, assuring him that the affair could be equitably adjusted, but he positively declined, saying that he had taken his course, and he intended to follow it.

(Signed,) GEO. C. BATES.

Sworn and subscribed before me, this 1st of February, 1840.

(Signed,) HENRY N. WALKER.

Notary Public, Wayne Co., M.

Question 3. Have you read the recent message of governor Woodbridge? If so, you have probably perceived that he recommends to the committee to ascertain, and inquire, how far the purchase of the instalments of the state loan, due in 1839, may have driven your institution to a suspension of specie payments, and do you consider that your institution has been embarrassed by acting as fiscal agent of the state, and in the purchase of its drafts? If so, in what way?

Answer. By Mr. Trowbridge. I do not think the purchase of the instalments of the state loan, due in 1839, had any such tendency.

Question 4. If the bank has been embarrassed by acting as the fiscal agent of the state in the purchase of its drafts, heretofore made, will not the purchase of the instalments due for the year 1840, lead to similar results, and prevent or protract the resumption of specie payments by the bank?

Answer. By the same. If the instalments are duly paid, the purchase of them would have a tendency to accelerate, instead of retarding the resumption of specie payments.

The chair appointed Messrs. Turner and Brown a committee to wait on the officers of the Farmers' and Mechanics' bank of Michigan, to ascertain at what time they would be ready to receive the committee.

On motion, the committee adjourned, to meet at No. 50, American hotel, to-morrow afternoon at 2½ o'clock.

February 1, 1840.

The committee met pursuant to adjournment at the American hotel, and having passed the following resolution, it further adjourned to meet at 6½ o'clock, at the bank of Michigan:

Resolved, That the secretary of the committee be directed to notify C. Wickware, E. Steele and H. H. Brown, to meet

the committee at No. 50, American hotel, on Monday afternoon, third instant, at 2½ o'clock, to answer such questions as the said committee may propound, touching the subject of their investigations of the bank of Michigan and the Farmers' and Mechanics' bank of Michigan, and also to notify K. Pritchette, to the same effect.

—

Bank of Michigan, February 1, 1840.

Saturday evening, 6½ o'clock. Members of the committee present, Messrs. Edmunds, Gidley, Larue, Turner and Brown.

The first business in order was general question, by Mr. Turner, No. 5.

Question 5. What amount of New York funds has the bank procured by the purchase of the auditor general's drafts on account of the five million loan, for which it has not paid any premium?

Answer. By Mr. Sanger, cashier.

	In New York *bank notes*
paid out here to the state at par,	$96,090 00
In funds deposited in New York city,	150,500 00
Making in all the sum of	$246,500 00

Question 6. What amount of New York funds has the bank furnished the state for the purpose of meeting interest on bonds of the state, due during 1839, and January 1, 1840, inclusive, free of any charge for exchange?

Answer. By the same. The amount furnished for this purpose has been $41,585. The bank has never charged premium to the state for drafts furnished.

Question 7. When the auditor general has made sales of time drafts to the bank, has he allowed the bank interest for the unexpired time they had to run, if so, what amount of interest has been so received?

Answer. By the same. I would respectfully refer to the answer by Mr. Rawson, book keeper, to special interrogatory by Mr. Gidley, No. 2.

[The bank has received of the state, as discount upon the drafts purchased under the said contract, six thousand seventy-seven dollars and thirty cents; but in order to meet the demands of the state, it was necessary to get these drafts discounted elsewhere, and in doing so the bank paid for discount and expenses, five thousand six hundred and fifty-two dollars and twenty-seven cents, leaving a direct gain to the bank for discount and interest, of four hundred and twenty-five dollars and three cents.]

Question 8. What kind of funds has the bank disbursed in

payment of the treasurer's checks drawn on the internal improvement fund?

Answer. By Mr. Sibley, teller. Always specie or the notes of specie paying banks and drafts on New York, until the late suspension of specie payments, since which period the sum of $1,444 10 only has been paid.

Question 9. What kind of funds has the bank disbursed for the payment of the treasurer's checks drawn on the general fund?

Answer. By the same. Always specie or the notes of specie paying banks until the late suspension. The amount disbursed on this account *previous* to the suspension, was $116,649 49, and the amount disbursed since then, $23,620 19.

Question 10. What kind of funds has the bank received of the treasurer on account of the general fund?

Answer. By the same. Specie and the notes of all the states north of the Potomac and east of the Mississippi in good credit, but generally the notes of the banks in Michigan.

Question 11. Has the bank purchased the auditor general's warrants on the treasurer of the internal improvement fund since the cash funds of the state, to the credit of the fund, were exhausted? If so, to what amount, what time has been assumed upon them, and what rate of interest charged, and what kind of funds was the payment made in? If in the post notes of the bank, what time had they to run to maturity? were the post notes payable with or without interest; if payment was made in other funds, in what kind?

Answer. By Mr. Sanger, cashier. The bank did purchase after the treasury of the state was exhausted and prior to January first, instant, a small amount of the warrants of the auditor general, but the greater part of the warrants on hand as stated in the report, were received from the commissioners of internal improvement. I have no means of ascertaining the precise sums so purchased, but the amount is small.

On so many of them as were received from the commissioners, no interest was paid by them. On those which were presented in the way of business, the bank charged from two to six months' interest, at the rate of six per centum per annum. In one or two instances, after the suspension of specie payments by the bank of the United States, and when the payment of these warrants by the state was considered very uncertain, discount may have been taken for a longer time, but with an arrangement to refund if payment was made earlier than the time agreed upon.

Payment has been made for these warrants in specie, in the notes of specie paying banks and in some cases in the post notes of the bank, but most of the post notes now out, were advanced to the commissioners in the way above stated.

The post notes are payable without interest, in the months of July, August September and October next.

I present a copy of a letter from one of the commissioners to the president of the bank, more fully explaining the purchase of the warrants, received at a time when the bank was struggling to sustain itself in paying specie, and when it had already advanced $16,554 63 to the state without any certainty as to the payment of such advances.

(Copy.)

Detroit, October 7, 1839.

DEAR SIR—In your absence, I have been obliged to call on Col. Jones, and request him to give me $1,000 of post notes, as the state have no means for the carrying on the works of internal improvement. I am satisfied that your bank has done all in their power, in making advances from time to time, to finish the central railroad from Ypsilanti to Ann Arbor. I am under the necessity of calling on you again, to give me some more of your post notes if you have no other means you can spare, as I find I am considerable in debt and must have some means to pay. Will you have the goodness to leave an answer at the bank this afternoon? You will much oblige,

Your humble servant,

(Signed,) WM. R. THOMPSON.

C. C. TROWBRIDGE, *Esq., President, &c.*

Question 12. Has the bank purchased railroad or canal estimates of contractors on these works, or of other persons, since the cash funds were exhausted, belonging to the state? If so, state to what amount, what time has been assumed upon them, and what rates of discount charged, and what kind of funds payments were made in, if in the post notes, how long had they to run to maturity, if payment was made in other funds, what kinds?

Answer. By the same. Please to refer to my answers to the last interrogatory, and to special interrogatory No. 1, by Mr. Turner, under the head of advances to the state of Michigan.

(See pages 397 *and* 415.*)*

Question 13. What are the immediate prospective liabilities of the bank, and on what account? Please state minutely and in detail.

Answer. By the same. I respectfully refer the committee to the answer by Mr. Rawson, to the tenth general interrogatory of the committee, as containing all the information required by this question.

(See pages 381, 382 *and* 383.*)*

Question 14. What kind and amount of assets has the bank, that can immediately or prospectively be made available to meet its liabilities with, including specie on hand?

Answer. By the same. I refer to the same source stated in the answer to the last interrogatory, as containing my reply to this question.

(See pages 381, 382 *and* 383.*)*

Question 1. When did the bank declare and pay its last dividend for profits earned? And what amount and rate per cent, did it divide among its stockholders?

Answer. By the same. On the 31st December, 1836, the amount was $50,000 00, and the rate per cent, ten.

Question 16. On drafts protested, returned from your banker in New York, state the causes, whether for want of funds or because funds deposited to meet sight drafts, had been diverted by order of the bank, in the purchase of drafts on time, at a discount?

Answer. By the same. I respectfully refer to my answer to special interrogatories No. 6 and 7, by Mr. Turner, under the head of "drafts on time."

(See page 406.*)*

Question 17. What funds does the bank disburse in payment to the general government, or officers of the general government in payment of deposites?

Answer. By the same. The officers of the general government, keeping their deposites here, hold bonds, in pursuance of instructions from their several departments, to repay them the kind and description of funds deposited. When they deposite bank notes, their checks are payable in bank notes, and when they deposite coin, their checks are payable in coin. Sometimes for the convenience of the holder, and sometimes upon mutual agreement, the checks of public officers are paid in drafts on New York, in notes of other states, and in those of our own state. I will add, that as far as my knowledge extends, the deposites by public officers in this bank, are made by positive orders from the heads of their respective departments.

Question 18. Has the bank been at any time in advance to the state, since the commencement of its fiscal agency? If so, state to what fund, for what length of time, and to what amount.

Answer. By Mr. Rawson. The bank has been in advance to the state, upon its drafts purchased, as follows:

1839.		
	The bank purchased state drafts in April,	$207,500 00
April 30,	Amount of state deposites on hand,	55,301 96
	The bank was in advance to the state,	$125,198 04
1839.		
	The bank purchased in May, $50,000, making in all,	$257,500 00
May 31,	Amount of state deposites,	31,577 27
	The bank was in advance to the state,	$225,922 73
1839.		
	The bank purchased in June, $55,000, making in all,	$312,500 00
June 30,	Amount of state deposites,	20,926 70
	The bank was in advance to the state,	$291,573 30
1839.		
July 1,	Amount of state drafts purchased,	$312,500 00
	Amount of state drafts paid,	207,500 00
	Balance of drafts unpaid,	$105,000 00
	The bank purchased in July,	81,310 92
		$186,310 92
July 31,	Amount of state deposites,	45,775 59
	The bank was in advance to the state,	$140,535 33
1839.		
Aug. 31,	Amount of state drafts unpaid,	$186,310 92
	Amount of state deposites,	39,837 62
	The bank was in advance to the state,	$146,473 30
1839.		
Sep. 30,	Amount of state drafts unpaid,	$186,310 92
	Amount of state deposites,	38,470 50
	The bank was in advance to the state,	$147,840 42

1839.		
Oct. 31,	Amount of state drafts unpaid,	$186,310 92
	Amount of state deposites,	34,005 71
	The bank was in advance to the state,	$152,305 21
1839.		
Nov. 1,	Amount of state drafts,	$186,310 92
	Amount of state drafts paid this day,	118,310 92
" 30,	Amount of state drafts unpaid,	$68,000 00
	Amount of state deposites,	25,179 06
	The bank was in advance to the state,	$42,820 94
1839.		
Dec. 31,	Amount of state drafts unpaid,	$68,000 00
	Amount of state deposites,	26,456 67
	The bank was in advance to the state,	$41,543 33

Out of the whole amount of drafts purchased, the sum of $80,000 00 was credited to the general fund, and the remainder to the internal improvement fund.

The bank also commenced advancing to the state, upon the auditor general's warrants, on the 8th of August, and advanced from time to time, up to December 31, the greater proportion of the sum of $36,267 29, mentioned in the exhibit of January 1, 1840.

Question 19. What amount of funds derived from the auditor general's drafts on New York, has been paid towards its indebtedness to the United States treasury department, during the year 1839?

Answer. By Mr. Sanger, cashier. Not any part.

Question 20. To what amount has the bank negotiated the drafts of the auditor general on the five million loan, with country banks, or individuals of other states? Please state with what banks or what individuals.

Answer. By the same. The sum of $312,500 00 as follows:

With the	Commercial bank of Lake Erie,	$25,000 00
do	Bank of Cleveland,	10,000 00
do	Bank of Massillon,	10,000 00
do	Farmers' and Mechanics' bank, Steubenville,	20,000 00
do	City bank of Rochester,	10,000 00
	Carried forward,	$

		$
	Brought forward,	
With the	Bank of Geneva,	30,000 00
do	Merchants' exchange bank, New York,	40,000 00
do	Springfield and Chicopee banks,	30,000 00
do	Greenfield bank,	10,000 00
do	John Ward & Co., New York,	127,500 00
		$312,500 00

The remainder of the drafts of the state, received of the auditor general, were held by the bank until they were paid.

Question 21. Who are the present bona fide owners of the stock of the bank of Michigan, where do they reside, and what is the amount of each individual's actual interest?

Answer. By Mr. Trowbridge, president.

1,067	shares are owned by		persons residing in Michigan.
3,234	do	do	persons residing in the state of New York and the New England states.
360	do	do	persons residing in different parts of Europe.
121	do	do	persons residing in Canada.
9	do	do	residents of Ohio.
86	do	do	estates of deceased persons.
89	do	do	residents of Wisconsin.
34	do	do	persons whose residence is unknown to me.
5,000			

After mature deliberation upon this subject, the directors have desired me to state to the committee, that in their opinion it is irrelevant, not sanctioned by usage in similar cases, and that it interferes with the private rights of the stockholders, and that they, therefore, protest against the right of the committee to demand the information sought. Having performed this duty to the stockholders, I very cheerfully furnish a list of their names.

List of Stockholders of the Bank of Michigan.

	Shares.
James Abbott,	58
John Agnew,	12
Isaac Adams,	15
American fur company,	59
Josiah Allis,	15
H. B. Brevoort,	13
Elizabeth Browning—deceased—	2
Carried forward,	

Brought forward,	Shares.
Justus Burdick,	45
George Bliss,	329
E. A. Brush,	35
Bank of Michigan,	94
Barnabas Campau,	25
Lewis Cass,	350
Richard Clarke—deceased—	51
Alexander Cumming,	10
J. Chapman,	200
Collins, Rees & Co.,	1
Cary & Co.,	1
McCurdy & Aldrich,	3
Peter J. Desnoyers,	30
H. L. Dousman,	89
Jonathan Dwight,	446
Henry Dwight,	311
Edmund Dwight,	844
Thomas Dwight,	281
Jonathan Dwight, jr.,	200
William Dwight,	140
Francis Dwight,	77
Benjamin Day,	35
L. J. Daniels,	15
Nathan Dickinson,	15
Robert A. Forsyth,	75
Hannah Gray,	10
James K. Guernsey,	20
Daniel Goodwin,	20
James Horner,	4
Warren Hill,	42
H. W. Haydeck,	5
James Hall,	4
D. G. Jones,	15
J. F. Joy,	5
B. B. Kercheval,	13
Sidney Ketchum,	45
R. Kingsland & Co.,	7
Darius Lamson,	6
B. F. Larned,	40
Lee, Dater & Miller,	7
Sarah Macomb,	30
A. T. McReynolds,	51
Johnson Niles,	15
Oliver Newberry,	20
Carried forward,	

Brought forward,	Shares.
Geo. F. Porter,	5
Epaphroditas Ransom,	10
David Stone,	7
H. R. Schoolcraft,	55
Henry Stanton,	62
Sarah W. Sibley,	1
James Smith, jr.,	10
Theodore P. Sheldon,	10
Thomas C. Sheldon,	50
David Stuart,	121
Henry K. Sanger,	60
Spear & Patton,	4
C. C. Trowbridge,	125
Joseph W. Torry,	16
P. R. Toll,	10
Isaac J. Ullman,	10
Henry Whiting,	45
H. V. Wilson,	9
J. L. Whiting, adm'r.,	1
Isaac W. Willard,	5
James Walker,	8
John Ward,	70
William G. Ward,	71
Shares,	5,000

Question 22. What kind of funds have the collectors of tolls paid into the bank, for receipts on the central railroad?

Answer. By Mr. Sibley, teller. Notes of the banks in New England, New York, and of the neighboring states, but principally of the banks of Michigan.

Question 23. What kind of funds has the treasurer deposited to the credit of the delinquent tax fund? If any in eastern, what proportion?

Answer. By the same. It is impossible for me to state what kind of funds have been deposited, as I have always received and credited as *cash*, all notes, (in good credit,) of the neighboring states, and of Canada. A small proportion of this was in eastern notes and checks.

Question 24. What premium has the bank charged for drafts at sight on New York, during the year 1839; and what for time drafts, having from three to four months to run to maturity?

Answer. By Mr. Sanger, cashier. For sight drafts, two per cent; for drafts having three or four months to run, the rate has been less in proportion to the time, and in many instances for such drafts, no premium has been charged.

Question 25. Does the bank chiefly use its branch notes in the transactions of its daily business, and has it not so used those notes during the last year?

Answer. By the same. The bank is compelled by the charter to receive the branch notes in payment of debts. In the transaction of its daily business during the last year, for small note circulation, it uses them, but the large notes used, are always those of the parent bank. The proportions of each, I am unable to state.

Question 26. Has the bank at any time redeemed the notes of its branch at less than their par value; and if so at what rate?

Answer. By the same. It has sometimes done so, at a premium ranging from ½ to 1 per cent; but I will add, that it has also redeemed them at par.

Question 27. Will the bank be pleased to assign their reasons for refusing to permit K. Pritchette, Esq., to investigate its affairs?

Answer. By Mr. Trowbridge. Mr. Pritchette came into the bank on the 28th October last, and asked me whether I considered this bank subject to the investigation of the bank commissioner. I replied that "we were advised by our counsel, that it was not," but that we would give him any information he might desire. He then requested me to put my answer in writing. I accordingly gave him a note, *protesting against the right* of investigation, but proffering the necessary facilities for it. No information was requested, or demand made. A copy of the note alluded to, is subjoined.

(Copy.)

BANK OF MICHIGAN,
Detroit, 28th October, 1839.

KINTZING PRITCHETTE, *Esq., Bank Commissioner:*

DEAR SIR—In reply to your inquiry of this morning, I beg leave to state that the bank of Michigan is not considered subject to the provisions of any law of this state, which authorizes the bank commissioner to examine into its affairs.

At the same time, it will give me great pleasure to furnish you, as an individual, any information on the subject which you may desire.

Very respectfully, yours,
(Signed,) C. C. TROWBRIDGE,
President.

The following interrogatories were put by Mr. Gidley:

Question 1. What has been the average indebtedness to the state of Michigan during the last year?

Answer. By Mr. Rawson, book keeper. The average in-

debtedness of the bank to the state during the past year has been nothing; on the contrary the average indebtedness of the state to the bank for the last ten months, taking as the basis of my answer the amount of state drafts held by bank, has been one hundred and eighty-one thousand thirty-five dollars and seventy-two cents.

Question 2. How much money has been received from the state as discount or interest upon the state drafts sold to the bank under the contract made with the auditor general in April, 1839.

Answer. By the same. The bank has received of the state, as discount upon the drafts purchased under the state contract, six thousand seventy-seven dollars and thirty cents, but in order to meet the demands of the state it was necessary to get these drafts discounted elsewhere, and in doing so the bank paid for discount and expenses, five thousand six hundred and fifty-two dollars and twenty-seven cents, leaving a direct gain to the bank for discount and interest of four hundred and twenty-five dollars and three cents.

Question 3. Has the bank been used for the disbursement of the government funds since the suspension of specie payments in May, 1837, and if so, what amount of public money has been so disbursed through the bank?

Answer. By the same. Although the bank ceased to be a deposite bank according to the law of 1836, as soon as specie payments were suspended in 1837, it has nevertheless been used as such under the general powers of the treasury department, by all the disbursing officers who had previously kept their accounts in it, and by reference to the accounts of these officers, I find that since May 1837, the sum of one million seven thousand eight hundred and sixty-two dollars has been so disbursed through the bank, by nearly twenty public officers.

Question 4. Can you state without inconvenience the amount of cash operations of the bank for the year 1836, 1837, 1838 and 1839?

Answer. By the same. The amount of cash operations of the bank for the year 1836, was eighteen millions, nine hundred and ninety-two thousand one hundred and eighty-five dollars. For the year 1837, eleven millions eight hundred and seventy-four thousand seven hundred and thirty-nine dollars. For the year 1838, three millions eight hundred and forty-four thousand and fifty-three dollars; and for the year 1839, six millions five hundred and sixty-three thousand four hundred and thirty-six dollars. This answer is given from the footings of the cash account, and includes money actually received and paid, bills of exchange purchased and sold, bills discounted and renewed, and all other operations of the bank.

Question 5. What is the cause of the present suspension of specie payments?

Question 6. Is the present suspension in any way connected with that of 1837?

Answer. By Mr. Trowbridge. For answers to these two interrogatories I respectfully refer to my reply to general question No. 4, by Mr. Turner.

(*See page* 390.)

Question 7. Do you think the bank can now with safety resume specie payments, and what in your opinion would be the effect of such a measure upon the business of the country?

Answer. By the same. In reply to the first part of this interrogatory I answer,

1st. Michigan is deeply indebted to the eastern states for merchandize imported, and will demand a large amount of coin before the wheat crop of 1839 can be made available.

2d. It is an axiom in finance, verified by the experience of every day, that two unequal currencies cannot exist together. The less valuable, if at all tolerable, will, for the purposes of general trade take place of the better, which will be gathered up for remittance; and the degree of facility with which this latter can be converted into the description of funds needed for foreign payments, will constitute an essential element of its superior value.

The state of Illinois is under suspension; exchange on New York at Chicago, is twenty per cent, premium, and the circulation of her state bank is two and a half millions of dollars.

Indiana, although nominally a specie paying state, has deliberately adopted such a system of circulation, by throwing the paper of the numerous branches of its state bank into points remote from the places of redemption, that with her bad roads and the inaccessibility of her banks, they might as well, for the purpose under consideration, be under suspension.

Ohio is similarly situated. The balance of trade is against her. Her banks pursue a plan of interchanging notes with each other, and of issuing checks in the similitude of bank notes upon some distant bank in another state, payable in the bank notes of that state, which operates as well for them as the plan of Indiana, just mentioned; and exchange on New York is sold at Cincinnati at twelve per cent, premium. And, with regard to New York, which is more favorably situated with respect to exchanges, it will suffice to state, that much of her paper is from 2½ to 4 per cent discount, in her principal city, and that we found it impracticable, in many instances, before the late suspension, to redeem our notes with those of that state. It is also to be considered, for this is an important fact, that Detroit is one of the most exposed points in the northern states. Being on the great thoroughfare to the east, it is easy

to see, that any traveler from the north and west will gladly leave his coin behind him, if he can obtain for it the notes of such Detroit banks as will give him the coin as he passes through the town. This will save him a part of his trouble and risk at least—and this is the common practice. Even now, the notes of the bank of Michigan are sold at Chicago at a premium of four to eight per cent above the currency of that state. These things being admitted, it follows of course, that with such odds against the banks in Detroit, it will be difficult to maintain specie payments to the full extent of all demands, before our crops, which constitute the only legitimate basis of exchange, can be got to market. Much, however, may be done to hasten the resumption of specie payments by a spirit of forbearance on the part of the business men in community. It is already in evidence before your honorable body, that this bank has, in little more than three years, gradually reduced its indebtedness to the public, from nearly four millions of dollars to a little more than half a million. I need hardly add, that the collection of a small part of the sum remaining due to it by the citizens of Michigan will enable it to resume its former standing and regain the high credit which for twenty years it has enjoyed.

In reply to the second part of the interrogatory, I will state that the probable effect of *immediate* resumption would be the withdrawal from circulation of the notes of the bank now afloat, the hoarding of the coin, or sending it out of the state, and the substitution (as a currency,) of the notes of banks in other states, which pay no tax here, are not liable to legislative restriction, and whose failure must inevitably throw a loss upon our own community, without the possibility of a remedy. I need not say to such of the committee as lived in Michigan in the years 1837 and 1838, that the people will have a currency even though it be the (to our authorities,) irresponsible issues of other states.

On motion, the committee adjourned to meet at No. 50, American hotel, on Monday, the 3d instant, at 2½ o'clock.

—

Monday, February 3, 1840.

The commmittee met according to adjournment, at No. 50, American hotel. Present, Messrs. Edmunds, Gidley, Larue, Turner, Brown and Champlin.

Mr. Steele and Mr. Wickware appeared before the committee, and being sworn, the following question was propounded to them by Mr. Turner:

Question 1. Have you been furnished by the bank of Michigan, or by the officers of this institution, either directly or

indirectly, with funds to carry on the brokerage business; or, have you at any time, acted as the agent of this bank, in redeeming their notes, at less than par value?

The interrogatory was answered by both individuals in the negative.

On motion, a committee of one from the senate, and two from the house, was appointed for the purpose of drafting questions to be put to the Farmers' and Mechanics' bank. The committee named, was Mr. Edmunds, on the part of the senate, and Messrs. Turner and Brown, on the part of the house. After which, the committee adjourned, to meet at the Farmers' and Mechanics' bank, at 6½ o'clock, on Tuesday, 4th instant.

—

Tuesday, February 4, 1840.

The committee, according to adjournment, met at the Farmers' and Mechanics' bank.

Present, Messrs. Edmunds, Witherell, Larue, Turner, Brown and Stockton.

The chairman of the committee, Mr. Edmunds, read the joint resolution of the senate and house of representatives, passed on the 21st of January last, authorizing the committee to investigate the affairs of the bank of Michigan, and the Farmers' and Mechanics' bank of Michigan, &c. After which he administered an oath to the officers of the bank. Mr. Turner read the following interrogatories, prepared by the committee, appointed for that purpose:

I. What is the total amount of assets of the bank?

II. What amount of the assets of the bank is comprehended under the head of loans on personal security?

Question 1. What is the responsibility of the makers and endorsers which constitutes the item, called "loans on personal security?"

Question 2. What amount of these loans on personal security is due by directors and stockholders?

Question 3. In what sums has it been loaned to each director and stockholder? Please state how many loans have been made to this class of borrowers, and in what amounts to each?

Question 4. How have they, (directors and stockholders,) secured the sums loaned to them?

Question 5. What length of time have such sums, loaned to directors and stockholders, been due?

Question 6. Are any of these loans to directors and stockholers under protest? If so, to what amount?

Question 7. What steps have been taken by the bank for the recovery of loans on personal security?

Question 8. Have suits been commenced, and if so, for what amount; and for what amount has judgment been obtained?

Question 9. What amount of loans on personal security was made to members of the last legislature, and if any, how secured?

Question 10. What is the whole number of individuals to whom the loans on personal security has been made, and how many of them are residents of this state, and how many of them are merchants?

III. Real estate securities.

Question 1. What amount of the assets of the bank is comprehended under the head of "real estate securities?"

Question 2. Will the bank be pleased to furnish the committee a schedule of the real estate pledged to the bank, and held as security, specifying the quantities, and in what counties the same is situated, and a description of the same?

Question 3. To what amount have mortgages been given to the bank?

Question 4. Where is the property mortgaged, located?

Question 5. Do the mortgages describe all the property they purport to cover?

Question 6. At what valuation have debtors to the bank, mortgaged their real estate in the city of Detroit; please specify the number of lots and the improvements thereon?

Question 7. Has any of the real estate security been hypothecated by the bank; if so, to whom or what company, and what amount have they, the bank, received, or are to receive, on securities so pledged?

IV. Banking house and furniture.

Question 1. What was the cost of the lot on which the banking house is built?

Question 2. When was it purchased?

Question 3. What was the cost of the banking house?

Question 4. What was the cost of the furniture of the banking house? Please exhibit the bills for both house and furniture.

V. Due from banks.

Question 1. Does the bank include among its assets, any amounts due from banks? if so, what banks are indebted to the Farmers' and Mechanics' bank of Michigan, under this head? Please mention their names and the amount due from each.

Question 2. Are they now solvent and redeeming their liabilities?

Question 3. How did this indebtedness arise?

VI. Bank notes on hand.

Question 1. What amount of bank notes has the bank on hand?

Question 2. Are these bank notes, eastern bank notes, or Michigan chartered bank notes, or unchartered bank notes, or checks, small drafts, or due bills of individuals; and what amounts are there under each head?

VII. Specie, gold and silver.

Question 1. What amount of the assets of the bank is comprehended under this head?

Question 2. Is the gold and silver specified, the bona fide property of the bank?

(*a*) *Profit and loss.*

Question 1. Please exhibit to the committee, a statement of the profit and loss account of the bank; showing what constitutes the debit, and what the credit side of this account.

(*b*) *Due the United States.*

Question 1. Is the bank indebted to the United States? If so, in what amount; when is the debt payable, and where?

Question 3. What is the security? state the security.

(*c*) *Due banks.*

Question 1. Is this bank debtor to other banks? and to what amount?

Question 2. How did this debt accrue?

Question 3. Has the Farmers' and Mechanics' bank of Michigan issued from their counter, their own notes, signed by their own officers, and stamped transversely, with the words, "payable at their branch at St. Joseph," when countersigned, or words to the same amount? and by what authority was this done?

(*d*) *Post notes on time.*

Question 1. What is the amount of post notes issued by the bank?

Question 2. What amount remains on hand?

Question 3. Are any of these post notes due, and when due?

(*e*) *Drafts on time.*

Question 1. What is your whole amount of drafts on time?

Question 2. On whom were these drafts drawn?

Question 3. How many of them have been drawn by the bank? Please state their number and the amount of each.

Question 4. By what authority has the bank executed these

drafts? Are they based upon funds deposited to meet them, or drawn upon their credit alone?

Question 5. Are all the drafts which the bank has executed, credited by them in their answer to question first under this head, as a charge against themselves?

Question 6. What amount of drafts are out?

Question 7. What amount of drafts have been protested and returned?

Question 8. What amount of drafts have been protested and not returned?

(*f*) *Deposites.*

Question 1. What amount of funds has the bank on deposite?

Question 2. Who are the depositors—citizens of this state, or of other states?

Question 3. Does the bank pay interest to depositors, for deposites—if yea, at what rate?

Question 4. Has the bank, or any of its officers for the bank, within the last year, negotiated a loan of specie with any individual or banking institution, within this or any other state? If yea, to what amount, on what terms, and when was the negotiation completed?

Question 5. When the bank suspended on the 28th October, was the act in consequence of a deficiency of coin, or other funds, to meet their outstanding circulation, or did it arise from other causes? Please state the causes.

A copy of the above interrogatories was furnished to the officers of the bank, to be answered at the next meeting of the committee.

Mr. Welles, cashier of the bank, furnished the committee the following statement:

Statement Farmers' and Mechanics' bank of Michigan, 1st February, 1840.

Resources.

Loans on personal security, a large amount of which is collaterally secured by real estate,		$550,126 52
Bonds and mortgages,		51,850 18
Real estate taken in payment of debts,		15,907 73
Banking house,		9,611 18
Stocks,		8,875 00
Contingent expenses,		1,308 47
Due from banks, viz:		
Branch bank,	$51,728 88	
Carried forward,	$	$

Brought forward,		
Other banks,	7,258 98	
		58,987 86
Branch redeemed, taken in deposite, &c.,	$38,484 06	
Other solvent banks,	4,982 25	
		43,466 25
Specie,		15,666 24
		$755,819 43

Liabilities.

Capital stock paid in,		$400,000 00
Profit and loss account,		35,783 80
Dividends unclaimed,		3,522 00
Due to the United States,		103,969 24
Due to banks, viz:		
On time,	$84,791 59	
On demand,	3,492 85	
		88,284 44
Drafts on time,		10,000 00
Special deposites applicable to the payment of debts due the bank,		71,948 20
Individual deposites,		20,811 75
Circulation, viz:		
Notes payable on demand,	$20,731 00	
Post notes matured,	769 00	
Entire circulation,		21,500 00
		$755,819 43

On motion, the committee adjourned to meet at No. 50, American hotel, on Thursday afternoon, the 6th inst., at half past 2 o'clock, and at the Farmers' and Mechanics' bank at half past 6 o'clock in the evening.

American Hotel, February 6.

The committee met according to adjournment. Present, Messrs. Turner and Brown. There not being a quorum, the committee adjourned to meet at the Farmers' and Mechanics' bank, according to previous arrangement.

The committee met at the Farmers' and Mechanics' bank, according to adjournment. Present, Messrs. Edmunds and Turner.

The following answers were given by Mr. Welles, cashier,

to the interrogatories read by Mr. Turner at the last meeting of the committee.

Question 1. What is the total amount of assets of the bank?

Answer. Seven hundred and fifty-five thousand eight hundred and nineteen dollars and forty-three cents.

Question 2. What amount of the assets of the bank is comprehended under the head of loans on personal security?

Answer. Five hundred and fifty thousand one hundred and twenty-six dollars and fifty-two cents.

Question 1. What is the responsibility of the makers and endorsers which constitutes this item, called loans on personal security?

Answer. The responsibility of the makers and endorsers of the bills held by the bank, is generally ample for their security, although in some cases it has necessarily become impaired by the pecuniary changes and reverses which the country has sustained. It is probably safe to assert, that under any circumstances, the losses upon this debt cannot exceed the *profits* which have accumulated, and are actually possessed by the bank.

Question 2. What amount of these loans on personal security, is due by directors and stockholders?

Answer. The sum of thirty-four thousand nine hundred and ninety dollars.

Question 3. In what sums has it been loaned to each director and stockholder? Please to state how many loans have been made to this class of borrowers, and in what amounts to each.

Answer. One stockholder, holding stock to the amount of $1,850 00, is indebted in the sum of $250 00. A second, holding $50 00 of stock, owes $3,000 00. A third, holding $750 00 of stock, owes $5,000 00. A fourth, holding $7,000 00 of stock, owes $751 00. A fifth, holding $2,250 00 of stock, owes $5,162 00. A sixth, holding $3,000 00 of stock, owes $4,227 00. A seventh, holding $34,150 00 of stock, owes $5,000 00. An eighth, holding $950 00 of stock, owes $4,000 00. A ninth, holding $50 00 of stock, owes $2,000 00. And a tenth, holding $750 00 of stock, owes $5,600 00.

Of these stockholders, four are directors, whose aggregate indebtedness amounts to $16,000. One of them resides in the state of New York, whose proportion of the debt is $5,000 00. Another stockholder, not a director, resides in Illinois; his proportion is $5,162 00. And a third, not a director, resides in Wisconsin; his proportion is $4,227 00.

In brief. The holders of $48,100 00 of the stock, are indebted in the sum of $34,990 00; and the holders of $351,900 00 of the stock, are not the borrowers of a dollar.

Question 4. How have they (directors and stockholders,) secured the sums loaned to them?

Answer. They are secured by the obligations of the makers and endorsers, by real estate, and by pledges of the stock owned by the debtors respectively.

Question 5. What length of time have such sums, loaned to directors and stockholders, been due?

Answer. The sum of $3,000 00 was due 12th May, 1838; the sum of $3,062 00 was due 28th July, 1838; the sum of $2,100 00 was due 6th September, 1839; the sum of $4,227 00 was due 17th December, 1839; the sum of $5,000 00 was due 11th November, 1839; and the sum of $17,601 00 is not due.

Question 6. Are any of these loans to directors and stockholders under protest? If so, to what amount?

Answered in the answer to the preceding interrogatory.

Question 7. What steps have been taken by the bank for the recovery of loans on personal security?

Answer. The bank has resorted to repeated applications to the debtor for payment, to the foreclosure of the mortgages held as collateral security, and to suits at law against makers and endorsers of the paper.

Question 8. Have suits been commenced? And if so, for what sum has judgment been obtained?

Answer. Suits have been commenced upon bills amounting to $151,170 48, of which, $60,125 20 are in judgment. Many of these judgments have been delayed in the collection, from time to time, upon the urgent application of the debtor for lenity; but few cases have occurred wherein sales of personal property have been coerced, and in no single instance since the organization of the bank, has the property of a debtor, either real or personal, been sacrificed. In most cases where the debt is mature, and suits have been commenced, the delay has grown out of the desire of the bank directors to increase the securities, to collect by instalments, extending the time for payment through several terms, and to endeavor by mild means and proper indulgence, to avert the sacrifices that necessarily result from harsh measures.

Question 9. What amount of loans on personal security was made to members of the last legislature? and if any, how secured?

Answer. But one loan to a member of the last legislature is now recollected; the sum was $1,000, secured by endorsers, and a pledge of an allowed estimate upon a contract with the state, which has since been paid and the note canceled.

Question 10. What is the whole number of individuals to whom the loans on personal security have been made, and

how many of them are residents of this state, and how many of them are merchants?

Answer. The number is two hundred and sixty-seven, besides endorsers, of whom two hundred and thirty-one are residents of this state, and forty-eight are merchants.

III. Real estate securities.

Question 1. What amount of the assets of the bank is comprehended under the head of real estate securities?

Answer. The amount properly embraced under this head, is $51,850 18, but as a much larger sum is held as collateral security to loans properly coming under the head of personal securities, reference is made to the annexed schedule, given in answer to, and in compliance with the requisition contained in the next interrogatory.

Question 2. Will the bank be pleased to furnish the committee a schedule of the real estate pledged to the bank and held as security, specifying the quantities, and in what counties, the same is situated, and a description of the same?

Note—For the answer to this, reference is made to the annexed schedule.

Schedule of Real Estate securities held by the Farmers' and Mechanics' Bank.

Land.	State.	County.	Amount of debt secured.	Improvements.	Valuation.
2 Large blocks, Jeff. Avenue, Detroit,	Michigan,	Wayne,	$5,000 00	Wooden dwellings and stores—security ample.	$12,000 00
700 acres of land,	do	Oakland,	2,000 00	Large flouring mill and farming improvements.	15,000 00
290 feet water lot, Detroit,	do	Wayne,	20,000 00	Wharf,	50,000 00
50 do do				Same,	
7 lots do do				Large brick stores & large dwellings of wood	
large property at Green Bay,	Wisconsin,	Brown,	15,000 00	Unknown,	22,000 00
same,				other securities,	
160 acres, White Pigeon,	Michigan,	St. Joseph,	1,928 00	do	
900 do pine lands,	do	Genesee,	6,000 00	Saw mills, do	
other property,	do	Lapeer,		Unknown, do	
do	do	Berrien,		do	
600 acres of land,	do	Oakland,	1,800 00	Grist and saw mills and large farm imp'ts,	30,000 00
2 lots, city of Detroit,	do	Wayne,	9,000 00	Large dwelling, wood, do	5,000 00
640 acres, Flint,	do	Genesee,	3,000 00	Unknown, do	15,000 00
160 do	do	Allegan,	282 00	do	
120 do French farm, Detroit river,	do	Wayne,	3,000 00	Farm house, cost $3,000, do	
309 do near Ann Arbor,	do	Washtenaw,	330 00	do	
Large mills and other property,	do	Lenawee,	12,000 00	Flouring mills, and other valuable imp'ts,	30,000 00
New Buffalo property,	do	Berrien,	1,000 00	Warehouse and other improvements,	3,000 00
2 lots, city of Detroit,	do	Wayne,	3,000 00	Brick dwelling, do	12,000 00
Large mill property,	do	Berrien,	3,000 00	Mills, do	10,000 00
Large block stores, Chicago,	Illinois,	Cook,		do	10,000 00
160 acres land, Lockport,	New York,	Niagara,	13,000 00	do	8,000 00
240 do near Ann Arbor,	Michigan,	Washtenaw,	4,791 00	Improved farm, do	5,000 00
230 do French farm, near Detroit,	do	Wayne,	5,385 00	do do	16,000 00
2 city lots, Detroit,	do	do		Dwelling houses, do	
Lot, St. Joseph,	do	Berrien,	1,900 00	Improvements, store, &c., do	2,000 00
263 acres,	do	Allegan,	1,200 00	Unknown, do	
219 do	do	Washtenaw,	500 00	Farm, do	
2 lots, city of Detroit,	do	Wayne,	7,467 00	Large brick block, do	20,000 00

3 acres on Detroit river, city,	do	do	4,000 00	Large dwelling, new,	do	7,000 00
Large property, hydraulic,	Wisconsin.	Milwaukie,	4,452 00	Unknown,	do	
2 lots, Niles,	Michigan,	Berrien,	3,155 00	Large brick block,	do	10,000 00
Flouring mills and farm,	do	Ionia,	3,386 00	Mills, &c.,	do	15,000 00
Property in Monroe,	do	Monroe,	2,000 00	Unknown, (foreclosed,)	do	
Same,	do	do	1,000 00	do do	do	
Same,	do	do	1,000 00	do do	do	
Farm, Tecumseh, 320 acres,	do	Lenawee,	6,000 00	Farm improvements, buildings, &c.,	do	10,000 00
do Toledo, 120 do	Ohio,	Lucas,				2,500 00
Lots, do	do	do				
Lenawee county property,	Michigan,	Lenawee,	4,700 00	Brick dwelling and other imp'ts,	do	12,000 00
Detroit city, one lot,	do	Wayne,	6,000 00	Large brick block,	do	20,000 00
Large block, Detroit,	do	do	4,000 00	Valuable buildings,	do	20,000 00
Lot, Niles,	do	Berrien,	1,000 00	Dwelling house,	do	4,000 00
Lot, Detroit city,	do	Wayne,	10,000 00	Brick block,	do	15,000 00
Improved farm, Washtenaw, 240 acres.	do	Washtenaw,	1,733 00	Farm improvements,	do	5,000 00
Lot, city of Detroit,	do	Wayne,	2,000 00	Dwelling house,	do	4 000 00
Flouring mills,	do	Oakland,	4,000 00		do	6,000 00
Improved property, Green Bay,	Wisconsin,	Brown,	5,000 00	Dwelling house, &c.,	do	
Same,	do	do	5,000 00	do do	do	

Many of the mortgages held by the bank are in the hands of attorneys for foreclosure, and registers for record, and cannot, therefore, be described; they are consequently omitted in the schedule.

Question 3. To what amount have mortgages been given to the bank?

Answered in schedule.

Question 4. Where is the property mortgaged, located?

Answered in schedule.

Question 5. Do the mortgages describe all the property which they purport to cover?

Answer. They do.

Question 6. At what valuation have debtors to the bank mortgaged their real estate in the city of Detroit? Please specify the number of lots, and the improvements thereon.

Answer. Reference is made to the schedule.

Question 7. Has any of the real estate security been hypothecated by the bank? If so, to whom, or what company, and what amount have they, the bank, received, or are to receive, on securities so pledged?

Answer. None of the securities of the bank have either been hypothecated or transferred.

IV. Banking house and furniture.

Question 1. What was the cost of the lot on which the banking house was built?

Answer. Fourteen hundred and fifty dollars.

Question 2. When was it purchased?

Answer. The principal lot in 1831, and a small addition in 1832.

Question 3. What was the cost of the banking house?

Answer. The banking house, with sundry repairs made subsequently to its erection, cost the sum of $8,161 18.

Question 4. What was the cost of the furniture of the banking house? please exhibit the bills for both house and furniture.

Answer. The original cost of the furniture is not precisely known, but its present value is estimated at 150 dollars. The bills are exhibited herewith, together with the contracts and bills for the materials and erection of the banking house.

V. Due from banks.

Question. 1. Does the bank include among its assets, any amounts due from banks? If so, what banks are indebted to the Farmers' and Mechanics' bank of Michigan, under this head? Please mention their names, and the amount due from each.

Answer. The following is a list of banks indebted to the Farmers' and Mechanics' bank, in the sums set opposite their names:

Albany city bank,	$6,194 80
Bank of River Raisin,	25 54
Utica branch bank,	8 78
Buffalo city bank,	11 23
Farmers' bank of Homer,	478 00
Manufacturers' bank at Bellville,	1 50
Shoe and Leather dealers' bank, Boston,	8 26
Phœnix bank,	80 19
Bank of Niles,	426 25
Commercial bank of Albany,	12 93
Commercial bank Lake Erie,	2 50
Cleveland insurance company,	4 50
Tradesman's bank,	3 00
Cleveland bank,	1 50
	$7,258 98

Question 2. Are they now solvent and redeeming their liabilities?

Answer. Four of them, the aggregate of whose indebtedness as above exhibited, is $931 10, have suspended payment, but are generally supposed to be solvent, the others are solvent and continue to redeem their liabilities in specie.

Question 3. How did this indebtedness arise?

Answer. The indebtedness accrued in the ordinary course of business.

VI. Bank notes on hand.

Question 1. What amount of bank notes has the bank on hand?

Answer. The sum of $4,982 25.

Question 2. Are the bank notes, eastern bank notes, or Michigan chartered bank notes, or unchartered bank notes, or checks, small drafts, or due bills of individuals, and what amount are there under each head?

Answer. The bank notes on hand, consist of the following items, viz:

Eastern bank notes,	$8 25
Bank of Michigan,	3,118 00
Bank of St. Clair,	800 00
Michigan insurance company,	126 00
Ohio, Indiana and Illinois,	428 00
Farmers' bank of Homer,	382 00
Bank of Oakland,	37 00
Genesee county bank,	2 00
Marshall,	3 00
Carried forward,	$

	$
Brought forward,	
Bank of Constantine,	2 00
Bank of Ypsilanti,	6 00
Calhoun county bank,	38 00
State bank,	32 00
	$4,982 25

VII. Specie, gold and silver.

Question 1. What amount of the assets of the bank is comprehended under this head?

Answer. The sum of $15,686 24.

Question 2. Is the gold and silver specified, the bona fide property of the bank?

Answer. It is.

(a) Profit and loss.

Please exhibit to the committee a statement of the profit and loss account of the bank, showing what constitutes the debit and what the credit side of this account.

Answer. The credits to this account are made up of discount upon notes not due, interests upon notes paid, interest upon bonds and mortgages paid, and premiums upon bills of exchange. The debits cover the current expenses of the bank, state, county and town taxes, premiums upon bills of exchange, and losses arising from bad debts.

(b) Due the United States.

Question 1. Is the bank indebted to the United States? If so, in what amount? When is the debt payable, and where?

Answer. The bank is indebted to the United States in the sum of $103,969 24, which is payable on demand at the treasury.

Question 2. What is the security? State the security.

Answer. The debt due the United States, is secured by bonds of individuals not residing, except in a single instance, within this state. The security is entirely satisfactory to the treasury department.

(c) Due banks.

Question 1. Is this bank debtor to other banks? And to what amount?

Answer. The Farmers' and Mechanics' bank is indebted to other banks for balances of current account, accruing in the ordinary course of business, and payable on demand, in the sum of $3,492 85. It is also indebted to other banks in another state, for loans upon time, procured for the purpose of redeeming its liabilities to the public in the sum of $84,791 59.

Question 2. How did this debt accrue?

Answered in the answer to the preceding interrogatory.

Question 3. Has not the Farmers' and Mechanics' bank of Michigan issued from their counter, their own notes, signed by their own officers, and stamped transversely with the words "Payable at their branch at St. Joseph, when countersigned," or words to the same amount? And by what authority was this done?

Answer. The Farmers' and Mechanics' bank has frequently paid out at its counter, such of the issues of its branch bank at St. Joseph, printed or engraved in the manner specified in the interrogatory, as it had received on deposite and in payment of debts, and refer the committee to the 11th section of an act of the legislative council, entitled "An act to establish branches of the bank of Michigan, Farmers' and Mechanics' bank of Michigan, and bank of River Raisin," for its authority in so doing.

(d) Post notes on time.

Question 1. What is the amount of post notes issued by the bank?

Answer. Forty-six thousand dollars.

Question. What amount remains on hand?

Answer. The sum of $45,231 00 is now held by the bank, redeemed, leaving the sum of $769 00 still in circulation; all of which are matured.

Question. Are any of these post notes due? And when due?

Answered in reply to the foregoing interrogatory.

(e) Drafts on time.

Question 1. What is your whole amount of drafts on time?

Answer. Ten thousand dollars.

Question 2. On whom were these drafts drawn?

Answer. Upon banks in another state with which we correspond.

Question 3. How many of them have been drawn by the bank? Please state their number, and the amount of each.

Answer. Two drafts of $2,500 each, and one of $5,000.

Question 4. By what authority has the bank executed these drafts? Are they based upon funds deposited to meet them, or drawn upon their credit alone?

Answer. The first two were drawn under an arrangement with its correspondent in another state, for advances; the arrangement having no definite limit, was terminated at a point within the sum required; owing to the general depression in pecuniary matters, both drafts are under protest, and by arrangement with the holder, are to be taken up at the bank. The last

mentioned draft was drawn against a balance accruing from a current account exceeding the amount of the draft.

Question 5. Are all the drafts which the bank has executed, credited by them in their answer to question first under this head, as a charge against themselves?

Answer. They are.

Question 6. What amount of drafts are out?

Answer. Ten thousand dollars.

Question 7. What amount of drafts have been protested and returned?

Answer. None that are unpaid.

Question 8. What amount of drafts have been protested and not returned?

Answer. Five thousand dollars.

(*f*) *Deposites.*

Question 1. What amount of funds has the bank on deposite?

Answer. The sum of $20,811 75.

Question 2. Who are the depositors—citizens of this state, or of others states?

Answer. The small sum to which the bank, by its policy of curtailment, steadily pursued for two years past, has reduced its deposites, comprises chiefly small balances due to its own stockholders, and to the citizens of other states accruing from the collection of notes.

Question 3. Does the bank pay interest to depositors? If yea, at what rate?

Answer. The bank does not pay interest to its depositors, excepting in a single case, for a small amount, for which it allows six per cent.

Question 4. Has the bank or any of its officers for the bank, within the last year, negotiated a loan of specie with any individual or banking institution within this or any other state? If yea, to what amount, on what terms, and when was the negotiation completed?

Answer. The bank has not to the recollection of its officers, made any loan of the character referred to in the interrogatory; the specie which it holds was received in payment of debts due to the bank, for the purchase of bills of exchange, in exchange for bank notes and on deposite, in the ordinary course of business.

Question 5. When the bank suspended on the 28th October, 1839, was the act in consequence of a deficiency of coin or other funds to meet its outstanding circulation, or did it arise from other causes? Please state the causes.

Answer. In reply to the foregoing interrogatory, the directors present to the committee a view of the discounted debt

due to the bank, and its liabilities to the public at different periods of time, commencing 1st July, 1836. On that day its liabilities, exclusive of balances due to other banks, amounted to the sum of $2,082,863 36. In May, 1837, the date of the first suspension of cash payments by the banks throughout the Union, these had been reduced to $801,898 46. In January, 1838, the period of its resumption, they had declined to $625,558 88, and they now stand at $156,280 99, of which sum, $103,964 24, is due to the United States, $52,311 75, for circulation, for deposites and for drafts drawn upon time. During the same period of time, the discounted debt of the bank has only been duced $212,545 07.

It appears, therefore, that although the bank has paid to the public since the 1st of July 1836, the sum of $1,926,582 37, it has drawn from them during the same period only the sum of $212,545 07.

Having submitted these remarks, they beg leave to decline any further expression of their views in reference to the causes of that suspension, but leave the committee to deduce such inferences as the facts may seem to justify.

On motion, the committee adjourned to meet at No. 50, American Hotel, to-morrow afternoon at half past 2 o'clock.

American Hotel, February 7.

The committee met according to adjournment. Present, Messrs. Edmunds, Larue, Turner and Brown.

The following resolution was offered by Mr. Turner, and passed:

Resolved, That the secretary of the committee be directed to notify Mr. Wm. Hale and Mr. Wm. Foster, to attend a meeting of the committee this afternoon.

Mr. Hale and Mr. Foster appeared before the committee, and being sworn, the following interrogatories were put to Mr. Hale by Mr. Turner.

Question 1. Have suits, to your knowledge, been brought against the bank of Michigan, upon any of their notes. If so, to what amount, and what the largest, and what the smallest sum sued for?

Answer. A number of suits have been commenced before a justice, against the bank upon their notes, but does not recollect their number, nor the aggregate amount of the bills. The largest sum in one suit is $20 00 and costs, the smallest, $1 and costs. The suits are for sums varying from one dollar to twenty dollars. There may have been thirty-five suits in all.

Question 2. Has judgment been obtained, and has the bank taken the stay of execution allowed by law, and if so, for what

length of time? Will you be good enough to state to the committee all you know in reference to the subject of the foregoing interrogatories.

Answer. Judgment has been obtained on said suits, and the execution stayed three months, the time allowed by the statutes. Knows nothing further material to the foregoing interrogatories.

The following question was put by Mr. Turner to Mr. Foster, to which he returned the answer in writing;

Question 1. Have you sold to the bank of Michigan, auditor general's warrants on the treasurer of the internal improvement fund? If so, to what amount, what time has been assumed upon them, what rate of interest was charged by the bank, what kind of funds was payment made in? If in the post notes of the bank, what time had they to run to maturity; were the post notes payable with or without interest; if payment was made in other funds, in what kind?

Answer. Your respondent begs leave respectfully to state, that some time in the month of August, he sold to the bank of Michigan, an estimate, (not a warrant,) for the amount of $1,282 43, and received the sum of $1,000 00 in post notes one year after date, *payable without interest*, and paid a premium of six per cent, to said bank for the same, and two hundred and five dollars, ($205,) in branch bills at the same rate, mamaking the amount received $1,205 00.

That in the month of September last, your respondent sold a warrant for the amount of $3,475 79, and received auditor general's warrants on the treasurer of internal improvement fund of the bank in return, one for the sum of $721 97, the other, $357 22, making the sum of $1,079 19, leaving a balance of $2,396 60, for which he, (your respondent, paid three per cent, for post notes at one year after date *without interest*, less $300 00 in branch bills, for which he paid six per cent, leaving a balance of $2,006 72, for which he received post notes payable one year after date *without interest.*

That some time in the month of January last he again sold to the bank, a warrant for the sum of $357 22, for which he received bills of the bank, and for said bills he paid three and a half per cent.

(Signed,) WILLIAM FOSTER,
Contractor on Clinton and Kalamazoo Canal.

The chairman of the committee, Mr. Edmunds, propounded the following question to Mr. Foster:

Question 1. Were these estimates purchased by the bank at your solicitation, and did you prefer this arrangement to holding the estimates of the state?

Answer. Your respondent would beg leave respectfully to state, that it was at the earnest solicitation of your respondent

that the cashier of the bank of Michigan was willing to make the purchase before mentioned, for the reason that there was a large amount of outstanding claims against the state, and it was a matter of uncertainty when these claims would be paid by the state. And your respondent was driven to this measure to enable him to pay the laborers employed by him on the canal; and it was considered a matter of accommodation to your respondent to make the before mentioned arrangement, as it was his only resource for relief.

The following question was put to Mr. Foster by Mr. Larue:

Question 1. Did you, at or before the time of selling these estimates to the bank of Michigan, apply to any other bank or banks, or individual or individuals, for the purpose of selling these estimates? And if so, what rates were you offered for them?

Answer. Your respondent would say, that he did apply to the president of the Farmer's and Mechanic's bank to sell these estimates and warrants, and he declined purchasing them at any rate. Also, he applied to several individuals who declined purchasing them at rates as favorable as they were afterwards sold to the bank of Michigan.

The following resolution was offered by Mr. Turner:

Resolved, That the secretary of the committee be directed to notify John Drew, of Detroit, and Abel Godard, of Ypsilanti, to meet the committee on Monday afternoon, the 10th instant, at half past two o'clock, at No. 50, American hotel, to answer any questions which may be put to them by said committee, touching the subject of their investigations of the bank of Michigan, and the Farmers' and Mechanics' bank of Michigan.

On motion of Mr. Brown, the committee adjourned to meet at the American hotel, No. 50, on Monday, the 10th instant, at half past two o'clock.

American Hotel, February 10.

The committee met agreeably to adjournment. Present, Messrs. Edmunds, Gidley, Larue, Turner, Brown and Stockton.

Mr. Drew appeared before the committee, and being sworn by the chairman, the following questions were put to him by Mr. Turner:

Question 1. State all you know relative to a transaction between the bank of Michigan, and Gilbert and Godard of Ypsilanti, in relation to a mortgage which the bank held upon the property of Messrs. Gilbert and Godard.

Question 2. Was the property in question sold under the mortgage?

Question 3. On the 3d of last December, or at any time, did the Messrs. Gilbert and Godard make arrangements with you for the redemption of the property? Please state the arrangement.

Question 4. Did you call upon the bank or any of its officers, and offer them the notes of the bank in payment of the mortgage, and was the same refused? And if so, state the reason assigned for the refusal.

Question 5. Please state the whole history of the transaction alluded to in the above interrogatories, fully, as if particularly interrogated thereto.

The questions having been read, and a copy of them furnished to Mr. Drew, time was allowed to him until two o'clock next day to prepare the answers. After which, on motion, the committee adjourned to meet at the same place to-morrow afternoon, at 2 o'clock.

—

No. 50, *American Hotel, February* 11, 1840.

Pursuant to adjournment the committee met at 2 o'clock. Present, Messrs. Edmunds, Gidley, Turner, Brown and Stockton.

Mr. Drew appeared before the committee and presented the following statement in answer to the interrogatories propounded to him yesterday by Mr. Turner:

Detroit, February 11, 1840.

To the Chairman of the Committee on Banks:

SIR—In answer to certain interrogatories in relation to an affair between John Gilbert and the bank of Michigan: John Gilbert, of Ypsilanti, owed the bank of Michigan $6,874 89, as mentioned in a certificate of sale, for which he gave them, or E. P. Hastings, a mortgage on real estate in the village of Ypsilanti; which property was sold on said mortgage by the sheriff of Washtenaw county, and bid off by Mr. Lane, attorney of E. P. Hastings, at the above mentioned sum, which sale took place on the 16th of December, 1837.

Some time in October last, Mr. Abel Godard mentioned to me that John Gilbert owed the bank of Michigan a large amount, for which said Gilbert gave a mortgage on the above described property, which was sold as above mentioned; and that the day of redemption of said property expired on the 16th day of December, 1839. Subsequent to this sale, A. Godard became a purchaser of an undivided interest in said property and was deeply interested. He, said Godard, wished me to purchase said property and arrange with the bank of Michigan and take up said certificate of mortgage sale, and give them the

refusal of said property for a limited time, which I agreed to do, provided I could arrange with the bank of Michigan.

I called on the president of the bank of Michigan sometime in the month of October last, and inquired as to the nature of said amount and mortgage certificate of sale, stating at the same time that I wished to purchase said certificate, provided I could arrange with him. I then offered to pay him as follows: a note drawn by J. O. & H. Smith, of Cleveland, Ohio, payable on the 1st of November, 1840, at the bank of Michigan, amount $5,000 00, with interest from the 29th of August last; the balance to be paid in cash. Said Trowbridge said he could do nothing in the matter, but would submit it to the board of directors, which was to meet that, or the next day following, mentioning at the same time that Gilbert had owed the bank for a number of years, and that they ought to have their pay. A few days after, I met Mr. Trowbridge, near the museum building; he said that they had come to the conclusion to take the note above mentioned, and the balance in cash, at the same time to hold said certificate until said note was paid. Nothing more said in the matter.

At or about the 1st of November, I mentioned to Mr. Godard the propriety of his offering the bank the amount of said note in their post notes, deducting the interest, and the balance in current funds. Afterwards, Mr. Godard said that he had an interview with Mr. Sanger, but could effect nothing with him in the matter. About the last of November or first of December, I made an arrangement with Mr. Wesley Truesdail, of the bank of St. Clair, to furnish me with the whole amount, in notes of the bank of Michigan, said amount, interest included, amounted to about $8,250 00, which was in readiness.

Said gentleman, previous to this, went to said bank and offered them, I think, a bank acceptance at thirty days; this they declined, saying that they could take nothing except what would answer Mr. Dwight in Massachusetts. In reply, he said they could not refuse coin. After this (same day) I had an interview with the same gentleman, and learned from him what had transpired between him and the bank. Same day I called on said Trowbridge and said there was something about this Gilbert matter I could not understand, and it occurred to me that they wanted the property and not the money. I then asked said Trowbridge if they would take their own notes, deducting the rate of exchange on the east. This he declined, saying the bank had sold the certificate of sale to a Mr. Dwight of Massachusetts, and that they could do nothing in the matter; that I had better see Messrs. Joy & Porter, who were the agents of Dwight. I again mentioned, owing to the suspension of the banks that it was impossible to get drafts or specie, except at a very heavy discount, and insisted that they should be

the last persons refusing to take their own bills in this matter. He urged me to see Messrs. Joy & Porter, but I told him it was useless as it was likely they would take nothing but specie.

A few days previous to the 16th of December, I called on my attorney, A. D. Fraser, Esq., and laid the matter before him, and then called on Joy & Porter, to see what could be done in the matter. Said Joy said that he would take the bank of Michigan notes, provided I would allow the rate of exchange between this and the east. I made no reply, and left, saying I would call again. I then went to Ann Arbor, and met Charles Stuart, Esq., and got him to examine the records, to see that the claim of titles were complete and on record, and that the certificate of sale of said property was legal. Having found some defects, certified to by the register, said Stuart, took them to Mr. Fraser on the 12th of December. On the 13th, I had some conversation with said Fraser, in reference to the matter. He said that he (said Fraser) had a very high respect for that institution, and that it would be very injurious should such transaction come before the public, and thought that we had better settle the matter amicably, as he had seen Mr. Robert Stuart and E. A. Brush. After mentioning the matter to them, they, I suppose, went to the bank and held a conference with its officers, who then agreed to take their own notes.

On the 14th of December, I accidentally met Mr. Sanger on the street, and asked him if it would not be as well to pay the money to the bank as to go to Ann Arbor and pay it to the sheriff. In reply, he said that it would answer every purpose.

I called on Mr. Sanger, at the bank, and said that I had purchased all Messrs. Godard and Gilbert's right and title to said certificate, that I was ready to make a proposal to them for said certificate, provided they would accept, and he referred the matter to Mr. Trowbridge. I proposed to give them the before mentioned note, and a mortgage on said property to secure payment, deducting $500 from said note, after adding interest to the 14th of December. In a few moments, Mr. Trowbridge answered he would do it. After banking hours, I called and paid the balance of money to Mr. Trowbridge. He went with me to Messrs. Joy & Porter's office, and told them the arrangements, and gave them the note. Mr. Porter then made the assignment of said certificate, and thus ended the matter.

On motion, the committee adjourned to meet at the bank of Michigan, at 3 o'clock, same day.

Pursuant to adjournment, the committee met at the bank of Michigan. Present, Messrs. Edmunds, Gidley, Turner, Brown and Stockton.

The chairman of the committee submitted the following question to the president of the bank of Michigan:

Question 1. Please to state any facts within your knowledge, having a bearing upon the transaction alluded to by Mr. John Drew.

Answer. In the month of July, 1839, the bank, having waited upon Mr. Gilbert about ten years, bargained with William Dwight to sell him the debt, unless Mr. Gilbert, upon notice given, should pay it.

I went to Ypsilanti, and notified Mr. Gilbert in person, of this fact. He did nothing in the premises, and the debt was transferred. Mr. Dwight, by letter of attorney, appointed Mr. Geo. F. Porter, his attorney in fact, to transact the business for him. They refused to take Michigan or other western money of Mr. Drew, as stated by him. I was informed by Mr. Brush that the transaction was misunderstood by the community, who were led to suppose that it was still a matter between the bank and Mr. Gilbert, and that the bank was repudiating its own notes. Thereupon I submitted to the directors the question whether it was not expedient that the bank should assume the responsibility of Joy & Porter's taking the pay in the notes of the bank, rather than that the institution should be left to suffer from the misrepresentation of its enemies. They decided affirmatively.

At a subsequent date, an arrangement was made with Mr. Drew, to take about three-eighths of the debt in the notes of the bank, and the remainder in a note of J. & O. H. Smith. The amount when received was carried to the credit of Mr. Dwight.

It may not be amiss to state, that after all, only about one-third of the sum paid in cash, was in the notes of the bank, and that there never was any evidence before the bank that the amount of the debt was "ready in the notes of the bank."

Mr. Drew's opinions, suppositions and inferences not being testimony, I have not supposed myself called upon to enter into any explanation in regard to them.

The following interrogatories were offered by Mr. Turner:

Question 1. Can the bank show on its books the amount of cash on hand at the close of each business day?

Answer. By Mr. Sibley, teller. Yes.

Question 2. What amount of cash was on hand on the 28th of October, 1839.

Answer. By Mr. Sibley, teller.

Bank notes,	$24,768 00
Coin,	28,578 18
United States treasury drafts, paid in coin, Dec. 6,	15,000 00
Total,	$68,346 18

On motion, the committee adjourned to meet at the bank of Michigan, to-morrow afternoon, at half past two o'clock.

February 12.

The committee met to-day according to adjournment at the bank of Michigan. Present, Messrs. Edmunds, Gidley, Witherell, Larue, Turner, Brown and Stockton.

Mr. Gidley moved that the chairman divide the committee, so that one portion may visit each bank at the same time, for the purpose of examining the vaults.

The chairman mentioned Messrs. Gidley, Larue and Turner, as the committee to examine the vaults of the Farmers' and Mechanics' bank, and Messrs. Edmunds, Witherell, Brown and Stockton, the bank of Michigan.

The following statement prepared by the teller of the bank of Michigan, was found to agree with the result of a critical examination of the vaults of that bank by the committee.

Statement of cash on hand this day.

Bank notes.

Eastern,		$692 75
Ohio, Indiana and Illinois,		17,828 00
Canada,	546 00	
Farmers' and Mechanics' b'k and branch,	5,975 00	
Bank of St. Clair,	468 00	
Merchants' bank of Jackson,	43 00	
Detroit and St. Joseph railroad bank,	50 00	
Branch bank of Michigan,	3,340 00	
Bank of Clinton,	388 00	
Calhoun County bank,	102 00	
		29,433 75

Specie.

Gold,	$18,696 81	
Silver,	35,445 67	
United States treasury drafts for coin,	15,922 68	
		$70,065 16
		$99,498 91

A. H. SIBLEY, *Teller.*

BANK OF MICHIGAN,
Detroit, February 12, 1840.

The chairman of the committee put the following interrogatory:

Question 1. The committee find on counting your coin that it has decreased since the answer of Mr. Sanger to 12th

general interrogatory of the committee, in the sum of $3,321 66. Please state the cause of such decrease.

Answer. By Mr. Sanger, cashier. I respectfully refer to my answer to the 12th general interrogatory of the committee. The decrease is on account of the sum of $11,671 22, in that answer specified as subject to checks payable in coin.

(See page 384.*)*

The following statement, being the result of the examination of the vaults of the Farmers' and Mechanics' bank of Michigan, by the committee, will show the amount of cash on hand in that bank.

Statement of cash on hand in the Farmers' and Mechanics' bank, February 12, 1840.

Bank notes.

Bank of Michigan,	$2,568 00	
Bank of St. Clair,	1,300 00	
Check on do	500 00	
Michigan insurance company,	120 00	
Branch of Farmers' and Mechanics' bank,	38,157 00	
Country,	502 00	
Ohio,	2 00	
Indiana,	15 00	
Illinois,	393 00	
Office notes,	547,975 00	
Post notes,	45,246 00	
		$636,778 00
Specie.		
Gold,	7,668 01	
Silver,	7,809 98	
Copper,	249 02	
		15,726 01
		$652,504 01

Mr. Turner propounded the following question:

Question 1. Will the bank be pleased to exhibit to the committee their engraver's bills? State the whole amount of notes that have been engraved for the bank. Show the amount of bank bills on hand, that have been signed and executed, and that have not been signed and executed; and state also, the amount of the notes of the bank, which have been destroyed by the bank; these amounts subtracted from the amount called for by the engraver's bills, will show the circulation.

Answer. By Mr. Welles, cashier. The whole amount of notes engraved for the home office, is $855,939 00. The

amount charged to the branch, to be deducted therefrom, is $184,900 00, and the amount destroyed by fire, is $103,395 00 leaving a balance of $567,644 00, now to credit of bank note account. The amount on hand, is $547,975 00, leaving the sum of $19,669 00, this day, (February 12, 1840,) in circulation. The answer, so far as it refers to post notes, will be found in reply to a former interrogatory. The engraver's bills cannot all be produced, as some of them are mislaid. The bank notes on hand, both foreign and office, are herewith presented to the committee for examination, together with the coin.

The following interrogatories, offered by Mr. Turner, at a former meeting of the committee at the Farmers' and Mechanics' bank. were answered this day, by Mr. Welles, cashier:

Question 1. To what amount has this institution, or any of its officers, loaned specie, or issued specie certificates to banks organized under the general banking law?

Answer. On the 12th day of February, 1838, a deposite was made in eastern bank notes, by the Farmers' bank of Homer, of the sum of $2,681, and a certificate requested therefor, to be presented at a distant day, payable in coin, which was issued. No other instance is recollected, nor has the bank, or any of its officers, made any loan of specie, as indicated in the interrogatory.

Question 2. State the banks, and the specific amount loaned to each.

Answered, in the reply to the first interrogatory under this head.

Question 3. Has the bank, or any of its officers for the bank, had any connection, either directly or indirectly, with any broker's office, in this city or elsewhere, for the purpose of redeeming its notes at less than par value.

Answer. They have not.

Question 4. Has the bank at any time redeemed the notes of its branch at less than par value, and if so, at what rate.

Answer. Prior to the date of the last suspension of specie payments, the bank was in the practice of furnishing eastern and other current funds, at this place, in exchange for the notes of its branch bank, at the request of individuals, and for their accommodation, at such rates of discount as would cover the interest upon the time consumed, and a portion of the expense incurred in returning them, but generally much below the current market exchange. Since the date of that suspension no distinction whatever in reference to exchanges, has been made between the notes of the two offices.

Question 5. Is the bank able to show, by its books, the amount of specie on hand at the close of each business day?

Answer. It is.

Question 6. What amount of specie had the bank on hand on the 28th of October, 1839?

Answer. The cash book exhibits the aggregate of $3,993 10 on hand 28th October, 1839.

Question 7. Has any portion of the specie on hand been brought into the bank since the 1st of February, 1840? If so, how much?

Answer. The specie has increased in the way of business, since February 1st, the sum of $39 77.

On motion, the committee adjourned to meet at No. 50, American Hotel, on Friday, the 14th inst., at half past two o'clock.

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February 14, 1840.

The committee met according to adjournment. Present, Messrs. Edmunds, Gidley, Witherell, Larue, Turner, Stockton and Brown.

In consequence of a communication received by Mr. Turner, Mr. Richmond was summoned to appear before the committee.

Mr. Richmond having appeared, and being sworn by the chairman, the following interrogatories were propounded to him by Mr. Turner.

Question 1. Are you the receiver of public moneys at Ionia?

Question 2. Did the vice president of the bank of Michigan, some time prior to the 28th of October last, pay into your office, some thousands of the notes of the bank of Michigan? If so, with what understanding? Please state the whole transaction.

Question 3. Subsequent to this, did the cashier of the said bank present for payment, government drafts on you, and decline and refuse the notes of the bank, and if so, what was the consequence; and in whose favor were the drafts, and for how much? Please state the whole transaction, as if particular questions were put.

The following questions were put by the chairman of the committee.

Question 4. Do you know that the bills of the bank of Michigan were offered in payment of the aforesaid drafts?

Question 5. Did the bank of Michigan subsequently pay you specie for the amount of its notes held by you?

The questions having been read and a copy of them put into the hands of Mr. Richmond, time was allowed him to prepare the answers.

The committee, on motion, adjourned to meet at the boarding house of Mrs. Dezouche, on Tuesday the 18th instant, at 4 o'clock in the afternoon.

February 18, 1840.

The committee met agreeably to adjournment. Present, Messrs. Edmunds, Gidley, Larue, Turner and Stockton.

The following answers were received from Mr. Richmond, to the interrogatories propounded at the last meeting of the committee.

Question 1. Are you the receiver of public monies at Ionia?

Answer. I am.

Question 2. Did the vice president of the bank of Michigan some time prior to the 28th of October last, pay into your office some thousands of the notes of the bank of Michigan? If so, with what understanding? Please state the whole transaction.

Answer. He has never to my knowledge paid any money into the office. He called on me during the public sales in August last, for the purpose of effecting an arrangement by which the notes of the bank of Michigan could be received in payment for lands. They were subsequently received with the understanding, and his assurance that the same should be redeemed with coin or government drafts, and that without any risk or expense on my part.

Question 3. Subsequent to this, did the cashier of the said bank present for payment government drafts on you and decline and refuse the notes of the bank, and if so, what was the consequence, and in whose favor were the drafts, and for how much? Please state the whole transaction as if particular questions were put.

Answer. Subsequently, and on a day when I was absent from the office, the cashier presented government drafts and declined receiving the notes of the bank in payment; as I was informed by my clerk.

The amount of said drafts and in whose favor drawn I am unable to state, having no memorandum at hand, or distinct recollection of the names or amounts.

Question 4. Do you know that the bills of the bank of Michigan were offered in payment of the aforesaid drafts?

Answer. Only from statement of my clerk, as is mentioned in my answer to question third.

Question 5. Did the bank of Michigan subsequently pay you specie for the amount of its notes held by you?

Answer. It has paid me coin or its equivalent, whenever demanded. I would state to the committee, that I have never had any connection, either directly or indirectly, in any way with the bank of Michigan.

(Signed,) W. A. RICHMOND.

The committee adjourned, after having agreed to close the proceedings in relation to any further testimony touching the subject of their investigation of the bank of Michigan, and the Farmers' and Mechanics' bank of Michigan.

WILLIAM S. LEE, *Secretary.*

[No. 46.]

Report of the Select Committee to whom was referred the several reports of the State Geologist.

The select committee, to whom was referred the several reports of the state geologist, together with the accounts and vouchers from the department, who were also instructed to investigate the manner in which the affairs of that department have been conducted, and to ascertain what changes, if any, are necessary to be made in said department, would respectfully report:

That your committee have had under consideration the several subjects referred to them; that they have made careful examination of the manner in which the duties pertaining to the geological survey have been performed by the several officers who are engaged in the work, as also of the state of forwardness and present condition of the survey.

In order better to illustrate the whole subject, and to exhibit clearly the grounds for the conclusions at which your committee has arrived respecting it, your committee would refer, in as brief a manner as possible, to the original design of the work, and the beneficial results which were expected to be gained from it.

The geological survey of our state, which was commenced under the provisions of an act, approved February 27, 1837, and partially modified by an act, approved March 22, 1838, had for its objects:

1. A complete geological survey *proper*, of the state; the results of which should be embodied in a single and continuous report, to be made upon the close of the work, embracing a complete description and analysis of the different soils, rocks and minerals, with their localities and adaptation to practical purposes.

2. A topographical survey; the results of which should be embodied in a complete series of *maps*, embracing the geology, topography and geography, upon a scale sufficiently enlarged to include all the varied information that could be required by state, county and town officers.

3. A botanical and zoological survey; embracing a complete description of all the trees, herbs, and plants of all kinds, growing within our state, together with their place of growth, habits, uses and medical qualities; as also, a perfect and connected description of all the animals, their habits, uses in the economy of nature, and with particular description of the habits and best method of destroying those insects which are destructive to the farmer, such as the Hessian fly, weevil, &c.

The act also rendered necessary, *annual reports* from the

several departments to the legislature, which shall exhibit the progress made in the survey, together with such subjects as are of immediate practical importance to the people of the state.

In addition to these objects, and at the urgent solicitation of the regents of the university, the state geologist was instructed to collect and preserve a certain number of mineralogical, geological, zoological and botanical specimens, for the use of the university and its branches; the expense of which collections were to be defrayed by the regents of the university. This portion of the work appears to have been attached for the simple purpose of enabling the regents to procure for our institution, the means requisite for illustrating the subjects of natural history, at the least possible expense, for the duties involved in reducing these subjects to order, were conceived to be of such a nature, that those engaged in the geological survey would possess greater facilities for procuring these specimens, than could be possessed by any other persons.

An investigation of the plan adopted for the organization of the geological and topographical departments, has satisfied your committee that although differing in name, these are so much allied, that it would be nearly impossible to consider them separately, and that by this plan of arrangement, a degree of economy is carried out which appears not to have been adopted by any of the other states where surveys are now in progress.

The economy of this arrangement depends upon the fact, that those engaged in the geological surveys, are also assistants in the topographical part of the work; the topographical department, proper, consisting simply of a draftsman, who is constantly employed in reducing the field notes prepared by those engaged in the geological survey. It will thus be seen that one complete set of assistants is dispensed with, and that the whole of the geological and topographical surveys will be completed for about the amount of costs which either of them would require separately.

It appears, from the report of the geologist, that the botanical and zoological departments, organized under the original act, were suspended in consequence of the resignation of the several assistants, immediately after the session of the last legislature, and that from the impracticability of selecting competent persons to assume the duties, they have not since been filled; for which reason no progress has been made in this part of the work during the past year. The geologist reports that in the present condition of these departments, it will be impossible to complete the labors designated within the time specified by the act, but that what has already been done in these departments is now in such a condition that it may be

rendered of importance in the final reports. With the suspension of works in the botanical and zoological departments, the collection of specimens for the university and its branches, also, necessarily ceased.

The suspension of the work in these departments, has reduced the expenses of the year nearly one-half, and a continuance of this suspension would be productive of a like result for the coming year.

In view of the present embarrassments which exist in our state, and of the fact that the work in the departments of botany and zoology cannot be suitably completed within the time assigned, your committee recommend a permanent suspension of the botanical and zoological departments of the survey, or in other words, that these portions of the work be not renewed.

But while your committee would advise the permanent suspension of the botanical and zoological departments, they at the same time, earnestly recommend a continuance of the other portions of the survey, since they cannot but deem any delay in furnishing to the people of the state the valuable information which has been collected, exceedingly detrimental to the interests of the state.

In arriving at this conclusion, your committee have carefully examined all the parts of the works in progress, and are fully satisfied that under the energetic and intelligent hands in which it is now placed, it will be completed within the time specified, and at an expense of about $6,000, being an amount very nearly the same as that which has already been saved by a suspension of the zoological and botanical departments. It is conceived by your committee, that this amount, so expended, will be much more than remunerated by the sale of maps and other publications, which will thus accrue to the state; while on the other hand, the failure to carry these portions of the work to completion, must, of necessity, eventuate in an almost total loss of the vast amount of labor and of the expenses that has been incurred. The impolicy of leaving the work in its present unfinished condition, together with the facts that the same hands which have been engaged in collecting the materials, can alone be competent to reduce them to form, cannot but be apparent to every one.

The question then arises, whether, after the expense which has been involved already, we shall suffer the whole to be lost; or whether, for the small amount required for completion, we shall go on, and thus save the whole.

Your committee would further express the opinion, that a suspension of the complete work, would be doing great injustice to those counties of the state to which the surveys have not yet extended; since, in some of the counties, the investi-

gations have been so nearly completed, that the materials now on hand, may be made available; thus in effect, taxing the whole state for the special benefit of a portion of it.

In considering the results which will be obtained from a completion of the geological survey, in addition to the complete and perfect maps of our counties, (which your committee has reason to believe, are not equalled for accuracy and fulness by any in our Union,) the topography and statistics of the state, the extent and order of rocks, the minerals, &c., the committee would also press upon your consideration, its effects in an agricultural point of view; with reference to the proposed analysis of the different soils, together with the best method of correcting any deficiencies which may exist, and in bringing to light the hitherto unknown or unappreciated manures of the state.

In addition to the very many reasons for the continuance of the work at this time, your committee would refer to the fact, that one of the most important regions of our state, in a mineralogical point of view, remains yet unexamined; we allude to the *copper region* of lake Superior; a district of country, which we have reason to believe, when the proper surveys shall have been made, will prove a vast source of wealth to us. Viewing this, in connection with the intention expressed in the report of the state geologist, which has been just submitted to you, to carry the explorations of the survey into that district during the ensuing summer, this fact alone, were no other reason to be urged, be sufficient to determine your committee to the conclusion that no means should be spared of pushing forward so important a work to its completion.

In looking at the condition of the several states of our Union, your committee cannot refrain alluding to the fact, that nearly all the northern and middle states, have engaged in works similar to that under consideration. Sixteen of our sister states are already in the field, pursuing to completion these works, with a view of developing their resources at home, and adding to the inducements for emigration from abroad; while, at the same time they are furnishing to their citizens a knowledge of their own territories, aiding the cause of science, and furnishing for their state legislators and county and town officers, the means of aiding the interests of the whole people. These surveys in the several states, have served to point out the materials best suited for the construction of public works, to make known the beds of ores, and the most advantageous means of working them, the deposites of gypsum, marl and other manures for the agriculturist; they have led to a correct knowledge of the capabilities of the soils, and have taught the farmer the best methods of rendering his barren soils fertile.

The state of New York has expended the sum of $96,000

annually, for the last four years, upon a geological, botanical and zoological survey alone; the state of Pennsylvania is now expending the sum of $16,000 per annum, on similar works; and when we take into consideration the fact, that Michigan is at the same time carrying along a complete *topographical* survey, we may safely say, that no other state is conducting the work with an economy equal to our own.

Nor is our general government idle. Parties have been engaged during several of the past years, in the geological surveys of her territory not yet organized into states; thus developing their resources, giving an accurate knowledge of the country, and offering inducements for settlement.

Michigan has commenced and nearly completed, not only a geological, but also a topographical survey of her territory. A single year will suffice to complete it, and the amount required for its completion is but a small consideration, compared with the benefits which must result to the state. The organization is such, that both departments may be completed for about the same amount that would be required for either, taken singly. There are engaged in this survey, gentlemen whose personal sacrifices have been very great, and who have gone forward to the work with an energy which was stimulated by a love of the subjects they are engaged in investigating, who have pride in completing a work, which, while it is creditable to themselves, they believe will prove of invaluable benefit to the state in whose cause they are laboring.

Though fully aware of all the existing embarrassments of the state, yet in this view of the subject, your committee deem not only the vital interests, but also the pride of the state, involved. A pride which should not permit us, under any consideration, to prevent the completion of a work which every interest of our state demands. This work, it is conceived, will aid more in carrying abroad a correct knowledge of our vast resources and agricultural advantages, than any other which could be originated. Its results, if now embodied, would make materials for daily, almost hourly reference in this legislative body, and when we consider that it is so near its completion, and that the amount required will be but a temporary outlay, your committee deem it safe to say, that the importance of carrying it, as speedily as possible, to completion, cannot for a moment admit of a doubt.

The investigations which your committee have been called upon to make, respecting the manner in which the duties of the several officers of the geological department have been performed, would be satisfactorily answered by an examination of the immense amount of work accomplished, an amount which could have been the result only of the most incessant and unwearied labor. Your committee are under the firm be-

lief, that the high objects sought by these several officers, have served to give an impetus to the whole work, which it could not have acquired under any other circumstances; and the many facilities for examination thrown open to your committee, enable them to express their firm conviction that the utmost, and undivided energies of all those engaged, have been bestowed towards the completion of a work in which they all feel such meritorious pride.

Your committee would further report, that they have had under examination the accounts and vouchers for moneys expended by the state geologist, and would express their entire satisfaction at the systematic manner in which the accounts have been returned, as well as the manner in which the several sums set forth in said accounts have been expended. Your committee deem it only justice to that officer, to say, (since it serves to show the heartfelt interest he takes in sustaining the work under his charge,) that he has actually advanced, upon warrants of the auditor general, the sum of $3,198 29; which warrants as yet remain unpaid. It also appears that he has been necessitated to receive *post notes* to the amount of $1,700 00, upon which a loss of discount has necessarily accrued. No charge for these discounts or interest appear in his accounts. And your committee have reason to believe that it is not his intent to present any such claims. It further appears that the amount of disbursements is within the amount appropriated.

Your committee have also had under consideration the subject of the salt springs and salt spring lands. The state geologist in his annual report on these subjects, has pointed out the impracticability, in addition to the other onerous duties he is called upon to perform, of his directing in a proper manner, the mechanical part of the labor connected with the improvement of the salt springs. He says these duties are nearly incompatible with the duties he is called upon to perform. The fact that in carrying forward the geological and topographical surveys of the state, this officer is necessarily, almost constantly in the field, sometimes weeks, and even months, several hundred miles distant from the springs, and at points where communications cannot reach him, have led your committee to a similar conclusion. Your committee are also of opinion, that the surveys under his charge are such that they should occupy his sole and undivided attention.

In this view of the subject, your committee would recommend a transfer of all that portion of the duties relating to the mechanical part of the improvement of the salt springs, to the board of internal improvement.

With the above considerations, your committee would recommend the adoption of the following resolutions:

1. *Resolved*, That so much of the act relative to the geological survey, approved March 28, 1838, as relates to the botanical and zoological departments of the same, together with that portion requiring the collection of botanical and zoological specimens, be, and the same is hereby repealed.

2. *Resolved*, That all that portion of the duties of the state geologist, relating to the mechanical part of the improvement of the salt springs be, and the same is hereby transferred to the board of internal improvement.

REUBEN D. TURNER,
Chairman Committee.

[No. 47.]

Report of the Committee on Ways and Means, to whom was referred the petition of Paul Raymond, and others.

The committee on ways and means, to whom was referred the petition of Paul Raymond, and others, inhabitants of the county of Lenawee, asking the return to them, of the money which they have severally paid for taxes, respectfully report:

That laws authorizing the collection of taxes to a greater or less extent, are the necessary result of the civil and political organization of government; and while they acknowledge it as a duty, that a just regard to the interests of all, should be a leading feature in the enactment of laws for raising revenue, they nevertheless consider it to be within the appropriate sphere of governments, in times of extreme severity and pressure in pecuniary affairs, to exercise a paternal influence in procuring a lenient administration of the laws, where the necessity for such a course has been clearly made manifest. The act to extend the time for the collection of taxes for the year 1839, is regarded by your committee as designed to effect this object, and was called forth by the urgent solicitations and representations of the inhabitants of numerous portions of the state. It was not passed until the period had arrived at which it was supposed that all the taxes had been collected, without distress and sale, and was made to apply to those only who are actual residents, and interest is to be paid for the indulgence. That it was not required by the petitioners, affords to your committee the gratifying assurance, that they have, measurably at least, escaped the blighting influence of poverty and misfortune, that has, to so great an extent, overtaken so many of our very worthy and industrious inhabitants, as to induce

them to ask, at the hands of the legislature, their interposition to save from summary sale and sacrifice, in many cases, the implements of husbandry of the farmer, while the surplus products of his farm, though sufficient in amount, are, from their location and other causes, unavailable for the purposes of payment. Numerous citizens of other occupations were alike unfortunate, and equally anxious for an extension of time for the collection of taxes for a short period. In view of these facts, your committee cannot avoid the expression of their confident conviction, that when this measure shall be seen in its true light and be fully understood by the public, that no portion of the people will more heartily approve the intention, or more readily acquiesce in the action and decision of the law making, and the law regulating power, than that numerous and respectable portion of their fellow-citizens of the county of Lenawee, who have presented themselves as petitioners on this occasion.

Entertaining these opinions, your committee feel bound to report adverse to the prayer of the petitioners, and respectfully ask leave to be discharged from the further consideration of the subject.

All of which is respectfully submitted.

GEO. RENWICK, *Chairman.*

[No. 48.]

Memorial to the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The legislature of the state of Michigan, convened at the capitol of the state, at their regular session for 1840, would most respectfully call the attention of congress to the subject of speedily opening, by a canal around the falls of de Ste Marie, that boundless field for the adventure and enterprise of the citizens of six states and one territory, who will have access to, and may be immediately benefitted thereby. The construction of said canal, on a proper scale, would extend our ship and steamboat navigation, by adding an extent of about sixteen hundred miles of navigable coast to that of the lower lakes.

The importance of this work will more readily be understood and appreciated, by a brief statement of the following facts respecting the climate, productions, resources and extent, of this comparatively unexplored and almost unknown region. The whole of lake Superior lies within the latitude of, and the agricultural products of the surrounding country would be nearly similar to, those of Lower Canada, particularly along the

southern coast, on which there are large tracts of good farming country.

The country bordering lake Superior is covered with immense forests of pine, through which many large and navigable streams flow into the lake, affording mill sites and safe and convenient harbors.

The productions of this "American Baltic" in fish, are literally inexhaustible. These fisheries are destined, in the opinion of your memorialists, should the proposed work be completed, to become a source of profitable employment to a large amount of our constantly increasing shipping, and a nursery for our seamen. The facility with which large cargoes can be taken and packed for market, is demonstrated by the success of adventurers, who have, under many disadvantages, carried on the business, and confirmed the opinion that these fisheries are inexhaustible. The fish are sought for with great avidity, in exchange for the surplus productions of the farming country bordering on the lower lakes; and this surplus consists of the articles required for the consumption of, and carrying on the trade with that upper country.

The different kinds of fish found in lake Superior, are white fish, trout and siskowit. The most favorable time for taking each kind is so varied, that fishermen can be employed throughout the whole fishing season, without any intermission, by changing their stations, from one point to another.

The most productive fishing grounds, are the great sand banks near the lower part of the lake, extending a distance of sixty miles, and throughout its whole extent, fish may be taken in great abundance for six months in the year. The other most important points are Isle Royal, Grand Portage, Fond du Lac, La Pointe, Point Rewinnaw and Grand Island; these furnish safe and commodious harbors for shipping, and the adjacent country is covered with timber, affording wood for steamboat purposes.

The lake Superior region abounds in all the rich and valuable furs, found in similar latitudes, either in Europe or America.

The policy of the British government, of establishing a British influence among the frontier tribes of Indians, making them dangerous enemies in time of war, and depriving us of their trade in time of peace, may be effectually counteracted by the prosecution of the improvement sought for by your memorialist.

It has been often reported by scientific travelers, that copper ore existed in this region, in great abundance, and of the richest quality. This subject was, during the last summer, thoroughly examined, and the result has established beyond a doubt, that immense beds of ore show themselves on the shores of the lake. The ore, on being analyzed, is found to

vary in richness, from 46 to 93 per cent. The principal beds of ore, lie about midway the southern coast of lake Superior, situated conveniently to a safe, commodious and beautiful harbor.

The following communication from the Hon. Lucius Lyon, affords important and valuable information on this subject.

Detroit, February 27, 1840.

SIR—In compliance with your request, I now give you, briefly and in general terms, such information in relation to the resources of lake Superior and the importance of constructing a ship canal around the falls of the river de Ste Marie, near the outlet of that lake, as I was enabled to obtain last summer during a visit to the country, and a residence of about six weeks at Lapointe.

Lapointe is situated on one of the "Apostle's islands," about twenty miles west of the mouth of the Montreal river, on the south side of that lake, and being the head quarters of the "American fur company," and the location of an agency for the Chippewa Indians, is annually resorted to in the summer by a large portion of the traders, half-breeds and Indians of the whole lake Superior region. It affords, therefore, greater facilities for procuring correct information in relation to the country than any other place in it; and I endeavored to avail myself of those facilities to extend my knowledge of it, as far as the hurry of business during my stay there would permit.

Having, while in congress, when the limits of Michigan were about to be unjustly curtailed on the south, first proposed and taken an active part in procuring the extension of our boundary to the north-west, so as to embrace a large tract of country on the south side of lake Superior, a principal object of my inquiry was, of course, to ascertain the character and value of the country thus added to our state. The result of those inquiries, I am happy to be able to say, was far more favorable than I had ever anticipated.

That portion of our state lying beyond the straits of Michilimackinac, and bounded on the north by lake Superior, contains probably about twenty-five thousand square miles, or about one-third more land than is contained in the states of New Hampshire and Vermont both together; and is capable of sustaining, and will sustain at some future time, as great, if not greater, population to the square mile than either of those states. Its soil is good, better than that of the New England states, and the country is well adapted to the production of wheat, rye, barley, oats, potatoes, wool and flax, while the fisheries in the lakes, on either side of it, and its rich mines of copper and iron ore, will afford sources of profitable employment for thousands of persons who will need those products,

so that the farmer there will always have the advantage of a good market at his own door. The land is well wooded with sugar tree, beech, ash, lynn and black cherry, and, in some places, forests of pine. The country is rolling, and well watered; it contains but little swamp, and the proportion of waste land in it is probably less than in the lower peninsula of our state, though the proportion of waste land here is much less than is generally supposed. The climate of the country is said to be quite as mild as that of the states of Maine, New Hampshire, Vermont, and the northern part of the state of New York, the severity of the winter season being moderated by the waters of lakes Superior and Michigan, which are so deep that they never freeze, except at or near the shore.

Montreal river, before mentioned, is the western boundary of the country above described. It divides Michigan from the territory of Wisconsin, and according to Farmer's map of Michigan and Wisconsin, has its source in "Lac Vieux Desert." This representation on the map, however, I believe to be erroneous, for I learn from persons well acquainted with the country, that Lac Vieux Desert empties itself into and forms the head of the Wisconsin river, and that Montreal river, at the point of its nearest approach to that lake, is at least seventy or eighty miles distant from it. It is, therefore, probable that a question of some importance may hereafter arise between Michigan and Wisconsin in relation to this boundary, and I mention the subject here, that the legislature may be apprised of it.

The country bordering immediately on lake Superior, in the territory of Wisconsin, is said to be not as good as that east of the Montreal river, in the state of Michigan; but there is a large extent of fine country south of it in that territory, the commerce of which, or at least a great portion of it, must always be carried on through that lake, and add greatly to the importance of constructing the contemplated canal.

That work, however, would be sufficiently important to justify its construction, even at ten times its probable cost, if it were only for the purpose of opening a way to the fisheries of lake Superior, before referred to.

Those fisheries are now occupied solely by the American fur company; but they are growing rapidly into importance, and will soon, if the canal should be constructed, become a source of great wealth to the whole lake country. I have no means of knowing the number of barrels that were taken last year, but I believe it is but three years since the fishing business was first commenced in that lake; and it is well known that there are now in this city thousands of barrels of very excellent fish that were caught there, and that are sold for nine

and ten dollars a barrel, though their actual cost to the owners at this place does not probably exceed half that price.

In addition to this, it is now pretty well ascertained, as before intimated, that the upper portion of Michigan abounds in mineral wealth. It has, for a long time, been reported that mines of copper ore were to be found on the south side of lake Superior, that could be worked to great advantage; and the truth of this report has lately been confirmed by a gentleman who visited the country last summer and made examinations with a view, as he informed me, to commence mining operations there, in company with some gentlemen in London.

The proposed canal around the falls of the river de Ste Marie, though only about a mile in length, is, therefore, a work of great importance to the states of New York, Ohio, Indiana, Illinois, Michigan, and the territory of Wisconsin; and in the event of a war with England, or with the Indian tribes of the north-west, it would be of great service to the whole United States, on account of the facilities it would afford for the transportation of troops and military stores. It is, in fact, emphatically a *national* work; and ought to be, and I trust will be, constructed by the general government.

I am, sir, very respectfully,
Your most obedient servant,
LUCIUS LYON.

Hon. R. D. TURNER,
Chairman, &c., House of Rep's of Michigan.

The only obstruction to the opening of lake Superior, is at the falls of de Ste Marie, where a canal has been surveyed by the authority of the state of Michigan.

Your memorialists, therefore, the senate and house of representatives of the state of Michigan, would most respectfully solicit congress for suitable appropriations of money or lands, or both, for the construction of said canal.

Resolved, That our senators and representative be requested to urge upon congress the importance of the above appropriation.

Resolved, That a copy of the above memorial and resolution be transmitted by the secretary of state to each of our senators and representative in congress; and also to the governors of the states of New York, Pennsylvania, Ohio, Indiana, and Illinois, with a request that the same may be laid before the legislatures of their respective states, for such action in the premises as they may deem expedient and appropriate.

[No. 49.]

Report of the Select Committee, raised on the petitions to prevent running cars on the Sabbath.

The select committee, to whom was referred the several petitions of sundry inhabitants of this state, praying that this legislature would pass an act prohibiting the running of the cars on the railroads upon the Sabbath, have had the same under consideration, and now beg leave to report:

That the prayer of the petitioners is deserving of the serious attention of this body, and calls for some prompt and efficient legislation.

That christianity is the common law of this country, is a fact not to be questioned. Some of the most learned and able judges in different states have so decided.

The observance of the first day of the week, as a Sabbath to the Almighty Maker of heaven and earth, is one of the great duties which christianity recognizes and sanctions.

No christian nation has guarded effectually against the prevalence of vice and immorality, who have not required the sanctification of the Sabbath, and prohibited, by law, those things which are inconsistent with its sacred character and holy uses and designs.

It has been found the best safeguard of public morals, and eminently conducive to social and intellectual, as well as moral improvement. Industry, health, frugality, temperance and order prevailed in those districts where it is observed, and just in proportion as it is revered and honored; while idleness, dissipation, intemperance and vices, injurious to the public weal, have abounded, wherever, and just as the first day of the week has been robbed of its sacredness and prostituted to secular uses.

The laws of our own state are very specific on this subject, prohibiting every thing inconsistent with the sacred character of this day. Part one, title nine, chapter seven, of the revised statutes, contains many wise and excellent provisions, some of which, your committee think, are openly violated, by the running of the cars on that day; it is an example wholly inconsistent with the spirit, and even the letter of this statute, for the state to require "labor," and encourage "sport," and when the law, enacted by the state authorities, specifically condemns and prohibits them.

Besides your committee think it is an unnecessary expense; that the same number of passengers would be carried over the road in six days, that are now conveyed in seven, and the state may as well save the expense of labor, fuel, &c., for fifty-two days in each year.

Should it be alledged, that the contract for transporting the mail, which has been transferred to the state, renders it necessary that a locomotive should be dispatched on the first day of the week, for the purpose of forwarding it, it is sufficient to reply, that the transportation of the mail does not render it necessary to sanction the forwarding of passenger and freight cars, to the great grief of many serious minded and excellent citizens, and to the unnecessary and dangerous, improper and demoralizing sanctioning and encouragement of the profanation of that day. While your committee would, without hesitation, say, that they believe the transporting of the mail, on the Sabbath, to be wrong, they are far from impugning the motives of those who control the post office department, or of those who have taken the contract in behalf of this state. Yet they believe, that if that contract could be so modified, that the mail may be carried but six days, during the week, few would suffer loss or inconvenience, but that many would be benefitted, and the sacred rights of all better preserved.

Therefore, they respectfully submit the accompanying resolution.

Resolved by the Senate and House of Representatives of the State of Michigan, That hereafter, no locomotive, passenger or freight car, shall be run on any railroad belonging to this state, on the first day of the week, excepting such as may be necessary to carry into effect any contract now existing for transporting the mail on said road.

M. KENNY,
Chairman.

[No. 50.]

Report of the Committee on Education.

The committee on education, to whom was referred a resolution of inquiry, relative to the distribution of the school laws, beg leave to report:

That they have had the same under consideration, and the result of the inquiry will be found in the accompanying documents, embracing the certificate of H. C. Bunce, who printed the number of school acts required by law, and had the same mailed to the clerk of every board of school inspectors, and also, one to every organized school district in the state. Also, the correspondence of John D. Pierce, Esq., superintendent of public instruction, on the same subject.

All of which is respectfully submitted.

ANDREW T. McREYNOLDS, *Chairman.*

March 3, 1840.

OFFICE SUPERINTENDENT PUBLIC INSTRUCTION,
Marshall, March 2, 1840.

H. C. BUNCE, *Esq.:*

SIR—Please to state, in the form of a certificate, the number of copies of the primary school law, which you printed in pamphlet form, the past summer, and how they were distributed.

Respectfully, your obedient servant,
JOHN D. PIERCE.

Marshall, March 2, 1840.

Hon. J. D. PIERCE, *Superintendent Public Instruction:*

DEAR SIR—I do hereby certify, that, during the last summer, I published, by your order, 2,500 copies of the school laws of Michigan, and that I mailed a copy of the law to the clerk of every board of school inspectors, and also one to every organized school district in the state; each package was directed to the clerk of the board of school inspectors of each township. Of the above number of 2,500 copies printed, there is now left on hand, about 200. I make this statement in answer to your communication of this morning, and have the honor to be,

Very respectfully,
Your obedient servant,
H. C. BUNCE.

OFFICE SUPERINTENDENT PUBLIC INSTRUCTION,
Marshall, March 2, 1840.

Hon. A. T. MCREYNOLDS:

DEAR SIR—In reply to your inquiry of the 27th ultimo, I inclose and forward the statement of H. C. Bunce.

Besides publishing the law in pamphlet form, I caused it to be inserted in the Journal of Education, soon after the adjournment of the legislature, with the amendments. The object was to insure it in one form or the other, to every district in the state.

I am, sir, respectfully,
Your obedient servant,
JOHN D. PIERCE.

[No. 51.]

Report of the Select Committee appointed to inquire into the present condition of the University of Michigan.

The select committee "appointed to inquire into the present condition of the university of Michigan, and ascertain if any changes are necessary in order to insure its full and permanent success," have discharged that duty, and respectfully submet the following as their report:

The state of Michigan is justly regarded, throughout the Union, as taking the lead of all the states in one particular—in having devised a better system of liberal education than any older state *has* done, or now *can* do.

First. It proposes one university, which it will be able to furnish with a better library, better philosophical and chemical apparatus, than any other institution has. It can furnish whatever a university may *need* or *desire*, for the fullest illustration of every subject of liberal study. Other states, with ten or a dozen colleges, see their funds so divided and subdivided, that many things necessary, cannot be found in one of the dozen. The libraries of nearly all are scanty, and all containing the same common works, and most of them destitute of the more costly. Other states, to support many colleges, have to multiply buildings, for the same purpose for which one set would be sufficient. They have to multiply faculties of professors, and with divided means they cannot get the men they would—men of superior endowments and high character. Michigan can have a faculty as numerous as may be desired, and invite whom she prefers, because she can reward them. Therefore, Michigan has taken a course which will enable her to rear a more efficient and able university than any other state.

Second. Having but one, and that an ample university, it may make the standard of education, and the course of instruction such as may be deemed *best;* not such as rival institutions compel each other, (by competition to get students at any rate,) to adopt. Therefore, Michigan has the power of carrying out the best system of education.

Third. The plan of having branches of the university conducted on a uniform system, training youth expressly for this one institution, is unlike, and better than any thing else in the Union. If this system is carried out as commenced, the regents will command the services of the ablest men in the country to conduct these branches. In other states, preparation for college, is left to voluntary, independent academies; no two following the same course of instruction, nor preparing students for any instruction in particular. These academies are often

taught by inexperienced young men, frequently but partially educated themselves, who design to teach only a year or two previous to, and to furnish them with the pecuniary means for studying a profession. Hence there is confusion in the course of study, and what is taught, is often taught inefficiently and imperfectly. Michigan, therefore, by putting its branches upon the same footing of permanence and respectability with its university, and by enforcing uniformity of studies, has the advantage of having the best things *taught*, and, from first to last, taught in the best manner. The multiplication of colleges beyond what is needed, multiplies the expense of education to the state, and in the same proportion, diminishes the value of each institution. The University of Oxford had, at one time, ten thousand students; if these had been distributed in separate colleges, containing two hundred each, with its separate faculty, library, apparatus and building; and if these were to be as perfect as the university in all its parts, the expense would have been increased beyond calculation; but no one of them *could* be as perfect as the university.

By dividing one perfect university into twenty, it would bring a *piece* nearer to each man's house; but when a student goes from home to be *educated*, it matters little whether he goes five miles or thirty. He would choose to go thirty miles to an institution possessing *every* advantage, rather than go but five miles to an institution where his advantages would be only one-tenth part as good. This is proved by the fact, that students do go from one end of the Union to the other, to enjoy the benefit of the *best* college.

Such a *best* college, (or rather, university, which is a collection of colleges,) Michigan has begun to establish, and for this, she is regarded by the wise of other states, as the most fortunate member of the Union.

The *working* of this plan is watched with interest by men of learning, for the following reasons:

First. No *state* institution, in *America*, has prospered as well as independent colleges, with equal, and often with *less* means. Why they have not, may be ascribed, in part, to the following causes:

They have not been guided by that oneness of purpose, and singleness of aim, (essential to their prosperity,) that *others* have whose trustees are a permanent body—men chosen for their supposed fitness for *that very office*, and who, having become acquainted with their duties, *can*, and are *disposed* to pursue a *steady* course, which inspires confidence and insures success, to the extent of their limited means.

State institutions, on the contrary, have fallen into the hands of the several legislatures, fluctuating bodies of men, chosen with reference to their supposed qualifications for *other* duties

than cherishing literary institutions. When legislatures have legislated directly for colleges, their measures have been as *fluctuating* as the changing materials of which the legislatures were composed. When they have acted through a board of trustees, under the show of giving a representation to *all*, they have appointed men of such *discordant* and *dissimilar* characters and views, that they never could act in *concert;* so that, whilst supposed to act for, and represent *everybody*, they, in fact, *have* not, and *could* not, act for *anybody*.

Again. Legislatures, wishing to retain all the power of the state in their own hands, as if they alone were competent or disposed to act for the general good, have not been willing to appoint trustees for a length of time sufficient for them to become acquainted with their duties; to become interested in the cause which they were appointed to watch over, and feel the deep responsibility of the trust committed to them. A new board of trustees, like a legislature of new members, not knowing well what to do, generally begins by undoing and disorganizing all that had been done before. At first they dig up the seed a few times, to see that it is going to come up, and after it appears above the surface, they must pull it up to see that the roots are sound, and they pull it up again to see if there is sufficient root to support so vigorous branches, then lop off the branches for fear they will exhaust the root, and then pull it up again to see why it looks so sickly and pining, and finally to see if they can discover what made it die. And as these several operations are performed by successive hands, no one can be charged with the guilt of destroying the valuable tree.

Whilst state institutions have been, through the jealousy of state legislatures, thus sacrificed to the impatience and petulence of a heterogeneous and changeable board of trustees, whose term of office is so short that they have not time to discover their mistakes, retrace their steps and correct their errors, it is not surprising that state universities have hitherto, almost without exception, failed to accomplish, in proportion to their means, the amount of good that was expected from them; and much less than colleges in their neighborhood, patronized by the religious public, watched over by a board of trustees of similar qualifications for duty, and holding the office permanently, that they may profit by experience.

The argument by which legislatures have hitherto convinced themselves that it was their duty to legislate universities to death, is this: "It is a state institution, and we are the direct representatives of the people, and therefore, it is expected of us—it is our right. The people have an interest in this thing, and we must attend to it." As if, because a university belongs to the people, that were reason enough why it should be dosed

to death for fear it *would* be sick, if left to be nursed, like other institutions, by its immediate guardians.

Thus has state after state, in this American Union, endowed universities, and then, by repeated contradictory and over legislation, torn them to pieces with the same facility, as they do the statute book, and for the same reason, because they have the right.

The passengers on board a *ship*, though they have an interest in the safety of the vessel, feel most secure in leaving the management of it to the captain, who has not only his life, but his reputation to protect. Though the *army* is for the protection of the *nation*, and all are interested in it, that is not thought a reason why it should not be commanded by *experienced* and *permanent* officers. The world knows that such important interests are safest in experienced hands, whilst there is a power near to guard against unfaithfulness and treason, a power unfelt till danger is seen, but all-sufficient when that hour comes. Such a power is the legislature.

It is a confession of moral *cowardice* in a legislator to say, "I *know* it would be best to pursue a certain course, but the *people* would not like it," and it is a calumny on the people to say that "they would not be satisfied unless we meddle with every thing at the hazard of ruining their interests. The regents have all the interests of any citizen in the university, and their reputation besides, is at stake, *provided* they have the responsibility.

Whilst state institutions have not flourished hitherto, from the causes mentioned, the university of Michigan has one point of exposure peculiar to itself; its greatest danger arises from its greatest excellence; its system of branches, connected with the university, and training students for it. These are destined to accomplish more good than the university proper, for all students must pass through them, and great numbers will be educated there, who will never go to the higher university; as thousands will be educated in the common schools, who will never enter the university branches. They form a dependent and connected series, the numbers of students necessarily diminishing as they rise from the schools to the branches and from the branches to the university. As soon as these branches are fully appreciated, every village will desire and feel itself entitled to one; and members will come to the legislature, in a short time, pledged to their constituents to use their efforts to get a branch of the university in the *immediate neighborhood of all*, as formerly every man was pledged to get for his neighbor a railroad. Such universal importunity will, at first, cause perplexity and embarrassment to the regents, and as they cannot support such branches as are *best*, and locate them *every where*; members will next come pledged to get a branch, or depose or

change the regents, or break up the university, because there is not a *brick* of it on *every man's farm*, it will be called unequal and unjust. Whilst there are so many, who would hope to profit by despoiling the university of its land and *funds that are loaned*, it would not be difficult to get up the cry against it.

When a ship is cast on a barbarous coast, if the natives get in possession of a watch, they never leave it entire, for that would be a monopoly; but each one must have his just proportion, it is, therefore, taken to pieces and each individual may be seen parading the beach, decorated with a piece of a chain, the mainspring or a balance wheel, a bit of silver or a piece of brass. Thus, whilst each can boast that he has maintained his equal rights, and gained a part of the precious spoil, no one enjoys the benefit, or knows the meaning of a watch. Many, who have never learned the nature and design of a university, will think themselves wronged, if they have not a fragment, at least, in their own individual possession, and to obtain this fragment, would rob their country of its most valuable ornament.

Since, then, the university of Michigan has this imminent danger, superadded to all the evils which it has, in common with other state institutions, which have not prospered, it is with good reason that its success is regarded by men of education and experience, as problematical, that they wish to see it placed upon a footing of greater permanence and security, than it now has, before they risk their reputation and prospects in life, in the effort to build it up.

As these dangers now are less, and can be more easily guarded against than at any future day, they should be met immediately, before it is too late—before the ignorant and the interested shall combine against it, and insure its destruction; and the disgrace of ruining the fairest system of liberal education, ever yet devised, shall be superadded to the other acts of rashness and folly, recorded against the *young* state of Michigan.

To guard, as far as possible, by one act, against most of these dangers, the university should at once be cut loose from all connection with politics. Whatever gets into the vortex of party politics, such as banks, offices, or private character, has *often* to be engulfed, and is frequently ruined, before it can come to the surface again. But the university is a trust *too sacred* to make it the foot-ball of party. If it sinks once, life will be extinct before it can rise again. Once let the impression be given, that *this too* is *a wild cat speculation*, in vain may it *pretend* to have funds, and *offer* salaries. Its professorships may go begging, instead of being sought as the most desirable in America.

The ex-governor for the year past, appointed to vacancies in the board of regents, gentlemen who were deemed *best qualified* for the *duties*, irrespective of politics; these have been nominated by the present governor, and appointed by the senate; and the board, as now constituted, has the confidence, not only of the public generally, but what is more, of the christian public, in which essential particular, all state institutions heretofore have failed.

To secure to the university, and thereby to the state, the benefit of a board of regents, having experience, independent of the fluctuations of politics, and enjoying the confidence of the entire community, and having an opportunity and time to carry out the noble plan that has been devised, is the object of the bill herewith submitted.

The bill here proposed, is the same with that originally drawn up, in reference to the university, amended in these essential particulars. It proposes,

First. To exempt this subject, hitherto held sacred, from ever becoming the prey of unhallowed, unsparing party politics.

Secondly. To give permanence, and thereby efficiency, to the board, charged with executing the great work of rearing a university, with dependent branches.

Thirdly. To put upon this permanent board of well known individuals, the entire responsibility, (under few instructions,) of accomplishing this work.

To secure these ends, does not require any regent to be displaced, any plan to be changed, or any deed to be undone.

Had any *change* been contemplated, your committee would have recommended a reduction of the board: but this they deem *inexpedient.* Had they the *power* of *undoing*, they would perhaps substitute less expensive buildings for that particular purpose, for those in progress at Ann Arbor; but your committee believe that the regents would be as ready to discover this defect, if defect it is, as others to point it out, and would be as willing to profit by past experience, as others would be to have them. Your committee is also aware, that when those buildings were commenced, the university fund was supposed capable of accomplishing more than it is now believed to be. We are ready to confess, that to suit every taste in commencing a work, where the fund to be employed is so very indefinite in value, and where so much must be done, at first, by experiment, would be a difficult task, even for your committee or the legislature; and, therefore, they would abstain from giving advice to those who have the benefit of more experience, have more to gain if they succeed, and more to lose if they fail.

To call the attention of the legislature to the particular amendments proposed:

In the first organization of the board, the regents were appointed by the governor; it could not well have been otherwise, and thus far, no injury has resulted from it. The fourth section, (and to this your committee would call the candid attention of the legislature, as being most essential,) provides that, hereafter, the appointment of regents shall not be regarded as a *political* appointment, liable to be influenced by the bitter prejudices which often characterize the politics of the day.

None can know as well as the *regents*, what persons would be an assistance in the board, and no one would have as strong reasons to call to a seat there, men *purely* because they would make *good regents*.

The time may come when a *governor*, recently appointed, whose mind has been engrossed by other things, would nominate a man to be a regent, not because he is fit for it, but because the man expects *something*, and he has nothing *else* to give.

It will be for the interest of the *regents*, as they must bear the responsibility of what is done, to invite no one to a seat in the board, who would be worthless, or be an injurious member, and thereby, bring disgrace upon themselves.

The time may come when a *governor*, looking only at the *votes* of a *county*, might nominate a man, who *could* not discharge the duties of a regent if he *would*, or even nominate a man who sought the office expressly to injure the university; the governor having objects to gain, dearer to *him* than the interests of education.

The board is composed of such members, that it would be impossible for *two-thirds* to combine to appoint a man, who is purely a politician, unfit for the duties of a regent. No noisy demagogue could ask the regents to give him a seat at their board, for services rendered in a *political* campaign.

A governor, hereafter, may be found, who would nominate an illiterate partisan editor, as a reward for services rendered to him, in the very paper, in which he had tried to injure the university.

The *regents* who have planned and labored for years to build up a university, and identified their reputation with its prosperity, can have no *motive* to seek its injury, nor *call in others to aid them* in pulling it down.

Should a governor be elected who has interests opposed to the good of the university, (a possible case,) he would nominate such regents only as were pledged to *aid* him; should the appointment of judges fall to his lot, his power would be strengthened; but should he be re-elected, what security would the state of Michigan have for the safety of that institution which bids fair to be its greatest pride?

The regents cannot intimidate the senate to confirm their

choice of a man, whom the senate should deem unsuitable. Party prejudice would not, in *this* case, enable them to see virtues which do not exist.

The majority of the senate, being appointed by the same power, will generally be of the same party with the governor; and they have too many favors to ask for themselves or friends, "stand in their own light by insisting upon trifles;" that is, to reject a bad nomination from the governor when he or the party insists.

If it should be thought the power here granted to the regents is too great, it will be recollected, that it is confined to a simple nomination; the senate stands, as before, a check against rashness, and a greater check for a nomination from the regents, will not come with power to *enforce compliance*. But if the power here granted is too great, when divided amongst eighteen regents, how much more dangerous when it is all concentrated in the hands of *one*. If there is one member of the board who would be more tempted than another to abuse this appointing power for party purposes, it is he who has the greatest number of *political friends to reward;* it is he whose interests are not closely identified with the success of the *university*, but with the success of *his party;* it is he who can bring most influence into the board to bear upon the proceedings; it is he, the only one member in the board, who could ruin the university *if disposed*. The governor has more temptation to abuse this trust than any other member of the board; he has more power to make such abuse hurtful.

To take this privilege, then, out of the hands of this *one* member of the board, and divide it amongst them all, is actually diminishing the power and lessening the danger apprehended.

This section contemplates that all the present regents shall continue to serve their full time; those who have found it convenient to be useful, will, doubtless, be *continued* by the board, who know their past services, which could not be said, if their nomination depended upon some future governor, who may know their worth only as political friends or foes.

Uniformity, consistency, and a steady onward course, is secured by permanence in the board. The regents will then feel the responsibility of their office, knowing that their duties are not soon to devolve upon others, who might leave their work unfinished to project something of their own. They can devise a system which they will be able to complete, without the fear of having their successors immediately subvert it.

When regents have not found it convenient, heretofore, to attend to the duties, they have, in most cases, resigned. A probation of three years is allowed, that if a regent cannot find

time *even to resign*, he may be dropped, with the consent of the senate and two-thirds of the board.

The last clause is to provide a remedy against the annihilation of the board by resignations, an event likely to occur if future legislatures, disregarding the caution in the "preamble," should come in between the regents and the university, and subvert their plans, or dictate in such a way as to make it impossible for them to discharge their duties as they would.

As the office of regent is *not one of emolument*, the *approbation* of their own breast and of the public, is their sole reward; to rob them of this, would not be a sufficient reason for removing the *experienced* to make way for a *novice*.

The plan of the university is so extensive, that to bring it to full maturity, will require several years, even though it should be hurried with injudicious haste. Students must first be prepared in the branches for the academical department. This requires time. They must again be prepared in the academical department for that of law or medicine, (if they mean to have educated students there,) and this will require time. Nearly ten years must elapse before all this can be brought to perfection, and all departments be fully organized and exhibiting the fruits of the care, begun already to be bestowed. It could not be expected that one board of regents would enter upon the best plans, when they knew that *several successions* of regents would occupy their places before they could be matured; and if they *should* adopt such plans, their successors might not understand them, or in their haste to do something in their own short day to be remembered by, overthrow the labor of years by trying to force nature in the hot-bed of some new scheme to produce *immediate*, premature and perishable fruits.

The present regents *begin* to understand something of the nature of their work, but it cost them two years of experiments. They are proceeding with a judicious caution, which insures confidence; but who will be responsible for what five years might do, if the university should be left, as it now is, within the withering, upturning power of politics? *Before* that *power* is exerted—*before any man* can say, "the university belongs to *our* party," your committee would call upon this legislature to put that stamp of *durability* on this institution, which distinguishes the flourishing colleges of the east from the richer but sicklier institutions of the south. The different success of literary institutions in our country, from Maine to Alabama, suggests to your committee to incorporate the best features of the best colleges, in the organic law of our university.

These amendments, your committee would here state, come not from the regents, (who might be supposed to desire them.) They are proposed without their suggestion, and without their

knowledge. If adopted, they may be thankful, and the state may rejoice.

Section 5. The chancellor and judges are, generally, as judicious and conservative a class of men as there is in the community, and in many respects, would be useful in the board. The governor, though often times a politician, should be intimately acquainted with the university, for it will be in his power to prevent that rash legislation which would destroy it. For, as it is the custom in Michigan to send new members every year, the university will always be a target for the inexperienced to try their arrows at. A governor may have the opportunity to save the university from rash legislation. As he has the *power*, he ought to have the best means of information. A lieutenant governor will be generally too much identified with politics, and as the addition is not needed, that officer of state is omitted. This bill is not intended to vacate the seat of him who is now a regent.

Section 6. The presiding officer of a college is almost, without exception, and needs to be, president of the board of trustees. Putting the university and education higher than politics, (the politics of a day,) can do no harm, and may do good. Making the office of chancellor honorable, is making it desirable, at little expense. The necessity of the case, learned from experience, is the main reason of making the chancellor president of the board.

Section 8. As tutors are not permanent officers, there is often occasion to fill a vacancy, when the regents cannot be called together, and the chancellor may know what particular qualifications are desired for a particular place.

Section 10. The several faculties will be the best judges of the qualifications of candidates for a degree. It is well that the regents should have a vote in the case, or they may be tempted to make a less harmless work for themselves, when collected together at commencement. Honorary degrees will not be, perhaps, as cheap in Michigan as in some places, if the board must be unanimous in conferring them.

Section 11. The regents cannot be too cautious in their appointment of professorships, but when the appointment is made, the interests of the university require that the officer feel a degree of security against capricious legislation; that it must be something more than a *doubtful* case, which should undo that which was, in the first place, designed never to be undone.

Sections 15 and 16. The superintendent of public instruction might perplex, but could never benefit the regents in their work.

The design of this new section is, that whilst the state furnishes the most ample means of instruction, and, therefore, does

her part, those citizens who wish to fill the learned professions, should avail themselves of these means; that the people of Michigan may have the assurance, that when they employ a professional man, their lives or their property, are in the hands of one who has certainly been taught. As instruction at the university will be gratis, it is not too much for the public to require those who seek the *honor* and *profits* of education, first to acquire the *qualification*. It does not say that they shall have studied at this university; if they can pass an examination, it matters not where they have studied; if not, they ought not to impose upon the people.

A preamble is prefixed, as an indication to future legislatures, with what views and intentions this trust is committed to the regents, as well as a suggestion to the regents, with regard to the relations, which, it is supposed, they will hold to those who receive their laws and guardianship from them. What the legislature should attempt, in reference to the university, is, in the opinion of your committee, to put the whole subject into the hands of competent men, leaving it, with undivided responsibility on their shoulders, and then the legislature not meddle with it again, except to protect as guardians, not to destroy as capricious despots. Repeated legislative interference, known by experience to be the ruin of a cause like this, would soon dishearten every regent who takes any interest or active part in the duties of his office, and the whole plan would soon come to the ground. The duties of the regents, in *their* turn, will be mostly to provide the means and apparatus and the like, and fill the several faculties with able men and throw the undivided responsibility of carrying on the work of education on them; the further duties of the regents are only to watch and defend, and not to interfere with the growth of what they have planted. A board of experienced regents can manage the funds and all the machinery of a university, better than any legislature; and the faculty of a university can manage the business of education, the interior of a college better than any regents.

Experience will doubtless show hereafter, that something has been overlooked; the regents will discover and seek a remedy for this, better than the legislature.

If any thing can save our university from the fate which has attended other institutions, that of becoming the victims of politics, or being legislated to death, the bill herewith submitted, or something of like character, your committee believes will do it.

REUBEN D. TURNER,
Chairman Select Committee.

[No. 52.]

Report of the Minority Committee on University of Michigan.

The undersigned, being a portion of the committee on universities, begs leave to report:

1. That any new modeling of the plan on that subject is not called for by experience. For there has been no experience on the subject.

2. The new plan proposes giving the direction of literature to the regents. Good—but so does the old. It also proposes to give the direction of the funds to the regents. Bad—as chosen for their science only, they are usually the worst men to manage the concerns of practical business.

3. The new plan proposes making the office of regents permanent for life, in the incumbent, except that he may be removed for cause. Bad—for the term is too long. The course of education would be apt to fall behind the improvements of the age. Old men do not like the idea of change, and suppose their own attainments to be the *ne plus ultra* of attainment.

4. The old, or statutory plan is, that the regents be appointed by the governor, by and with the advice of the senate, for three years, &c. If this mode is not very wise, (as it exposes the university to the conflicting interests of state and national politics,) and if it would be better, was the period longer, yet a plan to shut out change, and to provide for superannuated control would be a remedy worse than the disease. Again, if a different mode of appointment, viz: by regents, might to some seem to be expedient, as the choice would be guided by the literary capacity and merit of candidates; yet, more might be lost, by the want of practical wisdom and expediency.

5. The new plan excludes from certain professions of business life, *self made men*, on the ground that incompetency must be found in those not educated in universities. This would have excluded our Washingtons, Franklins, Shermans, with a galaxy of the brightest stars of our horizon. It is not true that our self made men are behind their compeers, because they have not seen the inside of a college. Nor is it true, on the other hand, that our collegians are inferior, because they have been so educated. But it is true, that where indolence attaches, inferiority will exist; and that where zeal, industry and perseverance exist, united with good sense, eminence will be attained. The Hindoos confine their inhabituary to casts; but Hindooism is not a plant of American growth.

6. It is too late in the session to enter upon a business of so great importance—in a subject in which the wisest have failed

and in which error would be followed with consequences so disastrous, as the misdirection of the education of our country's hopes.

The undersigned, therefore, (hoping that wisdom will not die with the close of this session,) advises the postponement of the whole subject for the remainder of the term.

JOSEPH MILLER,
One of the said Committee.

[No. 53.]

Report of Select Committee on insolvent banking institutions, &c.

The select committee, to whom was referred certain inquiries relative to the condition and affairs of the several banking institutions of the state, that have passed into the hands of receivers; and also senate bill "to facilitate and render less expensive the collection of claims against corporations, and the directors and stockholders thereof," beg leave to report:

That your committee have had under consideration the several subjects referred to them, and have availed themselves of all the means within their reach, to get the information required by the house, unless they had gone into an individual examination of the several banking institutions scattered over the state, and their respective books and receivers. But the committee were of the opinion, that it was unadvisable to incur the expense, and consume the time, that such a course would render unavoidable. Therefore, your committee have based a few brief conclusions, upon facts obtained from other sources than a personal examination of said institutions.

In regard to the first inquiry, "whether, in any case, the chancellor has appointed persons interested in said institutions, receivers thereof," the committee are advised that there have been a few instances, where receivers have been appointed, by the chancellor, who were known to be interested, either as stockholders or debtors to the bank, for which they were so appointed. But of this number, only one instance has happened, however, where the bank would not have been entitled, under the law of last session, on filing a petition for a voluntary dissolution, to have had a receiver of their own selection appointed. In this case, the receiver was indebted in a small amount to the bank, for which he was appointed; and his appointment was opposed on that ground, but the very strong testimony and recommendations adduced in his favor, seems to have been the consideration which influenced the chancellor

to make the appointment. The other receivers who have been known by the chancellor, to be interested in the banks, for which they were appointed, your committee believe were legally appointed under the provisions of an act, passed the last session of the legislature, entitled "An act to provide for the voluntary dissolution of corporations," &c., in section nine, where it provides "that any of the directors, trustees, or other officers of such corporation, or any of its stockholders, may be appointed receiver." Under this provision it would seem the chancellor has no discretionary power left him, to refuse the appointment of an individual for receiver, on account of his interestedness in the corporation, asking for a dissolution.

In answer to the second inquiry made, "whether or not the attorney general has ordered and directed said receivers to allow individuals against whom demands existed, in said institutions, to purchase and offset the notes thereof, against said demands, after receivers were so appointed?" your committee would say, that they cannot learn of any instance where the attorney general has given any direction to any receiver, as to the performance of his duties as such, and the laws governing the attorney general and receivers, in their respective discharge of duties, do not give any power or right to the attorney general, to interfere in any manner with the discharge of duty by receivers, other than the giving of his opinion and counsel when asked, which would appear advisable from the official station held by that officer in our state government. It appears that when the opinion of the attorney general, has been solicited by receivers, in relation to receiving the notes of said institutions in offset to demands, he has promptly given his opinion, that no receiver is obliged to take the notes of the bank in payments of debts due, unless such notes had been tendered at the bank, before his appointment. It is the opinion of the committee, that the receiver has given him, by the act of last session, before alluded to, a discretionary power to refuse or accept such notes, when tendered in payment of debts, as he shall deem it to be for the best interest of the creditors of the institution. By that act the receiver has conferred upon him all the powers and authority which are conferred by law upon trustees, to whom an assignment of the estate of insolvent debtors is given. And if the receiver should take the notes of the bank as set off, in any other case than that above referred to, he would, by the exercise of this discretionary power, make himself personally liable to the creditor, and could only justify himself in doing so, by showing it to be clearly for the best interest of the creditors. The committee cannot learn of any instance, where this discretionary power of the receiver has been abused; though cases may exist. Yet, from the character of the receivers generally, and the law

guarding their course of action, it would seem probable that but few abuses of this kind exist. It appears that a few instances have occurred, of the kind referred to in the third inquiry, "whether individuals have been permitted to apply on judgments obtained against them, the depreciated paper of said banks, at par value." But no cases have come to the knowledge of your committee, where there had not been either a return of *milla bona* to an execution issued on the judgment, or where the defendent was not deemed to be insolvent, and the collection hopeless. In every such case, however, the receiver has made himself and his sureties liable, unless he shall be able to show, on making his final account, that he has acted for the best interests of the creditors, for whom he acts as trustee.

In regard to the fourth object of inquiry submitted to the committee, "why said receivers have not been compelled to render an account of their proceedings," the committee are of the opinion, from the facts before them, that the receivers have not refused to render an account of their proceedings when required to do so by the proper authorities. But as it is not made the duty of any public officer, to enforce an account except as provided for in the 29th, 30th, 31st and 32d sections of the act, heretofore mentioned, accounts have not been rendered by the receivers of their proceedings sufficiently satisfactory to the public mind, yet it is in the power of any creditor, by filing a petition in the court of chancery, to obtain an order from the court compelling the receiver to render an account, and when we take into consideration the embarrassed state of the times, rendering still more vexatious and tardy, the collection of debts due insolvent corporations, (particularly of the *wild cat* kind,) necessarily protracted and vexatious, it is not surprising that creditors nor the officers of government have more promptly required receivers to render an account of their progress.

The fifth inquiry submitted, "whether any further legislation is necessary in regard to the closing up of these institutions, &c.," have had under serious consideration, and after a careful examination of the laws in regard to closing up the affairs of said corporations, and from the developments already made of the practical effects of these laws, your committee are of the opinion, that there are several important particulars in which further legislation is necessary in order to guard the rights of the creditors, to facilitate the final settlement of their affairs, and to enforce the payment of the debts due from them, and more particularly to compel the directors, and stockholders, when liable, to contribute to the redemption and payment of their liabilities. To meet these requirements, the committee would beg leave to introduce a bill as a substitute for the

senate bill recently committed to them, embracing all of the provisions of said bill.

All of which is respectfully submitted.

S. C. LEBARON,
Chairman.

[No. 54.]

Report of Special Committee, relative to the interference of United States troops with the construction of the Ship Canal around the falls of de Ste Marie.

The special committee, to whom was referred so much of the governor's message, together with the accompanying documents, as relates to the interference and prevention, by an armed military force under the authority of the United States, of the contemplated construction, by the state, of a ship canal around the falls of de Ste Marie, and to report what action, if any, is necessary to be taken in the premises, to sustain and preserve the rights and sovereignty of the state of Michigan, have had the same under consideration, and beg leave to report: that they deem it proper to refer briefly to the great importance, in a national point of view, of the construction of a ship canal around the falls of de Ste Marie, and to the efforts which have been made by the state of Michigan, in order to secure its completion.

By reference to the map of that region of country, it will be found that the falls of de Ste Marie, constitute the only impediment to the connection of the vessel navigation of lakes Superior with that of lake Huron, Michigan and Erie. If this impediment were removed, no one can doubt, for a moment, that it would be the means of giving a strong additional impulse to the rapidly increasing commerce of six states of the union, and one territory, whose borders are washed by these immense inland seas. It would also afford the means of placing within the reach of that industry and enterprise which so emphatically distinguish the age in which we live, the unbounded wealth which exists in the dense forests, in the rich minerals, and in the exhaustless fisheries of a country, the natural advantages and resources of which seem to have claimed so little of public attention and regard. It would also bring within the reach of individual enterprise, the immense trade now nearly exclusively carried on with the Indians by an association, whose monopolizing efforts and selfish purposes

have heretofore suffered no competition, in consequence of the great wealth it possesses, and the immense power it is enabled to exert.

The construction of the proposed canal would not only produce the beneficial results to which your committee have already briefly alluded, but it would be the means of adding largely to the resources of the government. It cannot surely be doubted for a moment, that if an easy and safe access to this region of country was afforded, it would impart great additional value to the public domain, as its natural advantages and unbounded resources of wealth would necessarily invite immigration to its speedy settlement and improvement. The general government, too, would be enabled to exert a propitious influence upon the Indian tribes, who have heretofore been operated upon by influences which have excited in their minds feelings of distrust and hostility. Relations too, of peace and amity, could be more easily cultivated and maintained with them; and philanthrophy and benevolence would be greatly aided in the ultimate effort of imparting to them, in some degree, the blessing of civilization and religion.

To considerations such, as these, it was confidently expected by the state of Michigan, that the government of the United States would give that attention which their importance seemed to demand, and without hesitation, undertake the completion of a work which would produce so much individual and national prosperity. Her citizens relied upon the elevated liberality, and on that wise and equal justice which ought ever to characterize the councils of a government, the avowed object of which was announced at its formation to be, "to form a more perfect union, to establish justice, to insure domestic tranquility, provide for the common defence, to promote the general welfare, and to secure the blessings of liberty." They were not unmindful of the large appropriations which were annually made for the continuation of the national road. It was an undertaking worthy the energies of a great and powerful nation, and will ever remain a proud and lasting monument of magnificent liberality towards the states, which are now reaping the benefits which must ever result to a people from such sound and enlightened policy. They saw too, the same principles recognized in the adoption of that policy which affords the means of safety and protection to the trade and commerce of the states, by the construction of light-houses, and by the improvement of harbors. The same enlightened policy has induced the erection of fortifications along the Atlantic frontier, and the maintenance of an efficient naval power to secure and protect the citizen and his property from the horrors and devastation of war.

With the history of the past action of the general govern-

ment before them in regard to matters of national concernment like those to which allusion has been made, the people of Michigan had reason to believe that "that government would not be less indulgent, less liberal and less just to a young and feeble state, just entering the Union, under circumstances of peculiar embarrassment, than it was or had been to older or larger states of the confederacy."

But it seems that the repeated solicitations of Michigan for aid in the construction of the proposed canal, and the strong and powerful reasons which emphatically give to it a national character, were not regarded or duly appreciated by the congress of the United States. The state of Michigan, however, satisfied of its importance, and of the great and lasting benefits which would result from its completion, and notwithstanding she was then engaged in the prosecution of a system of internal improvements of vast magnitude, and attended with great expense, resolved, "*unaided and alone*," to undertake its construction.

The legislature of the state, having authorized the necessary surveys and estimates to be made, by a competent engineer, directed the commissioners of internal improvement to proceed to the letting of the work, which was effected on advantageous terms to the state; and, as if to place its final completion beyond the probability of a doubt, the legislature, at its annual session of 1839, actually advanced to the contractors the sum of five thousand dollars, out of the internal improvement fund. The contractors immediately collected provisions, implements and men, necessary to the effectual prosecution of the work, and arrived on the line of the proposed canal on the 11th of May, 1839.

The committee, here, deem it proper to state, in order that the subject matter of difference between the state of Michigan and the government of the United States, may be fully and fairly understood, that the proposed canal around the falls, crosses a mill race, or trench, leading to an old saw mill, which has not been used for a number of years, and which had become entirely dilapidated and useless long before the month of May, eighteen hundred and thirty-nine.

The lands designated by the commissioners, in 1818, for military purposes, are situated about a mile east of the saw mill in question, and occupy an elevation on the bank of the river, below the falls.

West of the military reserve, and on which fort Brady now stands, is the flourishing village of Sault de Ste Marie, near the head waters of navigation; and still west of the village, are the falls, past part of which said mill race was constructed, all situated on lands to which the Indian title was extinguished

by a treaty held by Gov. Cass, with the Indians at Sault de Ste Marie, in June, 1820.

It appears, from the documents and other evidence before your committee, that, as soon as the contractors had landed their men, provisions and implements at Sault de Ste Marie, they were called upon by Lt. Root, acting assistant quartermaster at Fort Brady, who served upon the contractors a copy of a letter from the war department, addressed to him, and bearing date *6th March*, 1839, and which states in substance, "It could not, it is presumed, have been the intention of Michigan, in contracting for the opening of the canal around the rapids of the de Ste Marie, to interfere with the improvements made by the United States at your post, *among which the mill race is regarded as one of the greatest importance*—you will, therefore, *apprise the contractor*, that he cannot be allowed, in the execution of his contract, to interfere, in any way, with that work." At the same time that the copy of the letter alluded to was served, a notice was also served by Lt. Root, dated Fort Brady, May 12, 1839, informing the contractors, that, in pursuance of the instructions from the war department, it would be his duty "*to interfere with any work on the projected canal, that might injure the United States' mill race near that post.*"

On the same day, the contractors returned an answer to Lt. Root, informing him, "that they were bound by the state of Michigan, to excavate the canal within the lines run and laid out by the chief engineer, and that they should proceed with the work, and could not allow water to flow through the race, where the canal crosses the same, as it would entirely frustrate the object that the state of Michigan had in view." To which an answer was returned by Capt. Johnson, commanding at Fort Brady, in which he states, "*that the proposed work could not go on peaceably; that the instructions received were positive, and that, as much as he regretted the impeding of any work for the public good, he had only to see those instructions carried out to their full extent.*"

After the reception of the letter of Capt. Johnson, the contractors, still believing that their own interest, the great importance of the proposed canal, and the duty they owed the state, required them to prosecute the work until they were prevented from so doing by superior force, commenced cutting timber on the line of canal and digging ditches for the purpose of drawing off the water from the race, Capt. Johnson, (in the language of the contractors,) "at the head of his company, fully armed and equipped, marched on the ground, and forbid any further work on the line of the canal by the contractors."

The contractors refused to obey the orders, and continued the work. *They were again ordered to quit the ground, with*

the hands under their employ, and, upon their refusing to do so, Capt. Johnson forcibly wrested from the foreman, the instrument with which he was at work, and then drove the contractors and hands from the line of the canal and entirely put an end to any further proceedings on their part, and forced the contractors to abandon entirely the further execution of their contract.

Your committee, in view of these extraordinary proceedings, on the part of the general government, and before adverting to the grave and important question involved in this unpleasant controversy, beg leave to refer to the singular course that was adopted to notify the state of Michigan, that she could not proceed with the construction of the proposed canal. It appears from the correspondence before the committee, that the war department was informed by lieutenant Root, of its contemplated construction by the state, by a letter bearing date 14th of January, 1839, three months before the advance was made, by the legislature to the contractors, of five thousand dollars, and that the instructions from the war department to lieutenant Root, bear date 6th March, 1839, and that the first information of the existence of such instructions was communicated by lieutenant Root, to the contractors, on the 12th of May, 1839, on their arrival at Sault de Ste Marie, with the hands, provisions and implements with which to commence the work.

Admitting the existence of a right on the part of the general government *under any circumstances* to interfere with the projected work, (a pretense of right against which your committee would most solemnly protest,) yet your committee cannot withhold the expression of their belief, that it was due to the state of Michigan as a sovereign and independent state, due to her interest and welfare that she should have been duly notified through the executive, that the government of the United States intended to interfere with the construction of the contemplated canal. The authorities of the federal government must have been apprised of the intention of the state long before the reception of the letter from lieuteant Root, and yet not a word of disapprobation is heard until the contractors on the ground are informed *"that the work could not go on peaceably."* The state is permitted, in the exercise of what she considered an undoubted right, to make the necessary surveys and appropriation to carry out her legislative enactments, and after she had, through her authorized agents, commenced the work and incurred great expense, a peremptory order is issued, without notice to the state, and positive instruction given to enforce that order, if necessary, by an armed soldiery at the point of the bayonet.

Your committee are of the opinion that such a course of arbitrary proceedings on the part of the government, exhibits a reckless disregard of the rights and honor of the state of Mi-

chigan, and is unwarranted by any provision in the constitution of the United states. It not only inflicts upon the people gross injustice, but adds another great cause of censure and reproach to the course which has marked the policy of the government towards the state of Michigan. It is not yet forgotten, that Michigan was compelled to go into the union by surrendering to a more powerful state, territory to which her citizens believed that she was justly entitled, and of which they will ever believe, they were unjustly deprived. It was sufficiently humiliating that she was compelled to abandon the high and elevated stand she had taken, and so nobly sustained in that controversy, and tamely submit to, and acquiesce in, the conditions which were prescribed for her admission into the Union. But as if her humiliation was not yet complete, an attempt is now made by the general government to trample in the dust her legislative enactments, and treat with contempt the legitimate and constitutional exercise of her sovereignty. Under the pretence of protecting as military property, a trench or race, which leads to an old dilapidated and worthless saw mill, a military force is employed to interrupt her works of internal improvement, and the officers of the general government directed to dictate to the state the mode and manner she must pursue, in the exercise of a right guaranteed to her by the provisions of that constitution which confers powers on the federal government to provide for the common defence of all the states, but not to crush or oppress the weak and feeble. If high handed measures like these, to which allusion has been made, can be justified, if the legislative enactments of sovreign and independent states can thus be trampled upon and set at naught, then indeed will the states of this confederacy have no rights to maintain, no honor to protect; then indeed will all the anticipated blessings of our happy Union be turned into curses.

The committee would also state, that they regret that the board of internal improvements of the state, on the receipt of the intelligence that the contractors and hands were driven from the work by an armed military force, under the command of the officers of the United States, should have thought proper to censure the course pursued by the contractors, and that they should have directed the engineer to assure the officer commanding at Fort Brady, and also the acting assistant quartermaster of that post, that the mill race of the United States saw mill would not be interfered with, by which the same would be injured, or left in any worse condition than it was then in. In the opinion of your committee, it was their imperative duty, to have sustained the views and course adopted and pursued by the contractors, and to have entered of record their most solemn protest against the assumption of a power

on the part of the general government, fraught with consequences of such deep and lasting moment, not only to the rights and interests of Michigan, but the legitimate and proper exercise of her powers, as a sovereign and independent state, and to have transmitted the same to the war department.

The adoption of such a course would have maintained the honor and dignity of the state, and would have repelled the inference that the board of internal improvements admitted, that the state had exceeded her powers and jurisdiction, in providing for the construction of the proposed canal, and that it was right in the war department to consider the contractors in the light of trespassers. Such a course, too, would have indicated to the general government, that, young and feeble as Michigan now is, that she knew her rights under the constitution, and that she would endeavor to assert and maintain them, at all hazard, let the blow for their destruction come from whatever quarter it might.

The secretary of war, in a communication to the executive of this state, assumes the position, that officers acting under orders from that department, were bound to prevent the commission of any act, within the limits of the land belonging to the United States, which might prove injurious to the interest of the government, and in doing so, in no manner violated the sovereignty of the state. Your committee do not believe that the constitution of the United States contains any provision which will warrant the exercise of such a power. The only provision in that instrument which, in the opinion of your committee, can apply to the present case, or upon which the officers of the general government can pretend to justify the proceedings in regard to the state of Michigan, is found in the 8th section of the constitution. Among the enumerated powers which congress possesses under it, is the "right to exercise exclusive legislation over all places purchased by consent of the legislature of the state in which the same may be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings."

It will be perceived, that at the adoption of the constitution, that the right of the several states to exclusive jurisdiction over the territory included within their respective limits, was clearly recognized, and the powers of congress to legislate over it, carefully restricted. By the terms of that sacred instrument, before congress could exercise "exclusive legislation over any particular *district or place*," the consent of the legislature of the state in which it might be situated, was to be obtained.

Michigan was admitted into the union upon an equal footing with the original states, in all respects whatsoever. And if the assent of the original states was necessary to confer on

congress the right of exclusive legislation, over a particular portion of territory within their limits, it would seem that the assent of new states, would also be necessary for the purpose of conferring such powers, in order to place them upon an equal footing with the original states, in all respects whatsoever.

The act which provides for the admission of Michigan into the union, and by virtue of which she was admitted, declares that admission upon an equal footing with the original states, in all respects whatsoever, shall not be construed as conferring upon a state, any authority or right to interfere with a sale by the United States, of the vacant and unsold lands within the limits of the state, and that the state shall not impose any tax, assessment or imposition of any description upon any of the lands of the United States, within its limits.

So far, then, as the express reservation goes, and no farther, can it be claimed that Michigan is controled in her course of legislation in regard to the public lands within her limits, or in the exercise of jurisdiction over them; the very exceptions which were made in an act to provide for her admission, places that question beyond all doubt or controversy.

Your committee would beg leave further to say, that if the doctrine embraced in the letter to the secretary of war, to the executive of this state, and which has already been referred to by your committee, be true, it will deprive the several states, to a great extent, of the exercise of a jurisdiction which has never before, within the knowledge of your committee, been denied. So far as the state of Michigan is concerned, in reference to the public domain within her limits, she is only prohibited from interfering with its sale, or assessing any tax whatever on the same. With this exception, the United States can only hold the public lands as an individual proprietor would hold them, and subject to the right of general jurisdiction on the part of the state. If a contrary doctrine should prevail, or if the officers acting under orders from the war department or any other department of the general government, were bound to prevent the commission of any act, within the limits of the lands belonging to the United States, which might, in their opinion prove injurious to the government, then indeed would the states be denied the exercise of a right intimately connected, not only with their prosperity and welfare, but their existence as free, independent and sovereign states. It certainly will not be pretended that the state of Michigan, or any other state of the Union, has not the right to construct, within their respective limits, whatever works of internal improvement the legislature may see proper to undertake; and if this right is possessed, each state can construct, through government lands, canals and railways, and cut any timber, or remove any

other obstructions that might be necessary to be removed in order to effect their completion. Suppose it should, in the estimation of any of the officers of the government, be thought that the completion of the different works of internal improvement, now in progres in this state, would prove injurious to the interest of the United States, would they have a right to avert their further prosecution? Could they deny to the state the right to finish the central or southern railroad; because it might render less valuable any portion of the public lands by the destruction of timber, and the use of any other material that may be needed? Most assuredly they could not.

The government can claim no greater rights, nor any more privileges than any individual of the state, except those that are expressly constitutionally reserved in the act providing for the admission of Michigan into the Union. The property of individuals can be taken and used for public purposes, without their assent, if an adequate compensation be made; and the lands of the general government can also be used by the several states, for like purposes, and with the same restrictions, unless some legislative acts of the state conveys to the United States the right to exercise over it exclusive jurisdiction.

The committee recommend the adoption of the following resolutions:

Be it resolved by the Senate and House of Representatives of the State of Michigan, That it is the sense of this legislature, that the proceeding of the government of the United States, at the Sault de Ste Marie, on the 12th day of May, 1839, by which the contractors and hands at work on the canal at that place, were forcibly driven from the same, and compelled to abandon its further construction, were unwarranted by the constitution of the United States, and a gross violation of the rights and sovereignty of the state of Michigan.

Be it further resolved, That, as an act of justice to the state of Michigan, the government of the United States is bound to repay to the state, the amount of money advanced to the contractors, together with all the damages the state has sustained by reason of the arbitrary and unjust measures which deprived the state of the right to construct the Sault de Ste Marie canal.

And be it further resolved, That our senators and representative in congress be requested to adopt such measures as will tend to the speedy reparation, by the general government, of the injury which has been inflicted upon the rights of the state, and that they demand the re-payment of the money which has been expended, together with all damages that the state has sustained.

All of which is respectfully submitted.

D. E. HARBAUGH,
Chairman of Select Committee.

[No. 55.]

Special Message.

To the Senate and House of Representatives:

GENTLEMEN—The accompanying document has reached me within the last few days. Though not authenticated in the customary manner, I have no reason to doubt of its genuineness; and the respect which is due to the public authorities of a sister state, obliges me to lay it before you.

It purports to be a copy of certain resolutions of the legislature of Vermont, relative to the public lands; and the scope of them seems to be, a request to the delegation of that state in congress, that they cause to be passed by the national legislature, a law for the distribution among the several states, of the proceeds of the public domain "according to the terms of the deeds of cession;" and that "they oppose any measure calculated to promote the eventual surrender of those lands to the states in which they are situated."

This demonstration on the part of Vermont, unfortunately, does not stand alone. I have witnessed, with much regret, recent and increasing evidence in several of the "original states," of sentiments, on this topic, less characterized by an elevated generosity worthy of *their* strength and our weakness, than by a bias, which savors of unkind suspicion and of local interest.

These ominous movements are deserving of your consideration; and the deep interest which Michigan must take in the agitation of that complicated and engrossing subject, would seem to render proper, some exposition of its history and character. In behalf of those new states, whose interests seem endangered by these hostile sentiments, it may be assumed, that every political community, justly claiming to be "sovereign and independent," must necessarily have the right of exclusive control over the territory which is within its actual limits. As a general proposition, this will hardly be controverted.

Such a community may construct roads, excavate and establish canals, levy taxes, and exclusively regulate, according to its own pleasure, its entire domestic policy. As a consequence of that general proposition, and in strict analogy with it, it may also be affirmed, that every such community may reclaim the wilderness, and of right possess itself *in full property*, of the waste and unappropriated lands within its acknowledged borders. If this principle were doubted of, it would be sufficient to refer to the history of most of the "original states," for its illustration and entire recognition. It constitutes, indeed, the foundation of the right uniformly urged by them,

both now and heretofore, to the wild lands within their limits respectively. It is the *title* by which they hold them. Upon what other principle did Virginia ever claim a proprietary interest in the vast wilderness, which, but lately, stretched westward from the Allegany mountains? Was it from charters of a British monarch? They had long been abrogated. Was it from the *pedal* passions of her citizens? They were *not* so possessed. But when she asserted her independence, and the cords were severed which bound her to her parent government, the "crown lands" she claimed; and she pointed to this acknowledged attribute of sovereignty for her proof of right! And Vermont, too, whose resolutions are now before you, and so many of whose sons Michigan is now proud to enrol among her most valuable citizens; did she not also assert the same principle; and in a manner too chivalrous to be soon forgotten? What page in her history would she not sooner blot out than that which records the assertion of her own independence; and her *consequent* seizure and appropriation to herself of the public domain within her actual limits? The *same* page also records the marking of her *own* boundaries with her own true sword, cutting through the royal "deeds of cession," and the ancient charters of New York and New Hampshire; her spurning of the proffered seducements of the enemy; and then her Spartan firmness, her gallant bearing, and her heroic achievements in the common cause of freedom! And who will compute the quantity, or estimate the value of those widespread "crown lands," which have been claimed on no other right, and retained *on no other principle*, by the Carolinas and Georgia, by Massachusetts and Connecticut? The continued and successful assertion of this right, did not fail, indeed, to produce uneasiness; nor was it acquiesced in by all the states without great reluctance. Long prior to the close of the war of the revolution, the subject of the public domain had become the cause of intense solicitude and jealousy. Some of the states contained within their actual boundaries but a small amount of it; others within their asserted limits, many millions of acres; and since the burthens of that war pressed heavily upon all, alike, in proportion to their numbers, so it was insisted that the eventual and contingent *benefits* of the struggle should also inure to each alike.

This controversy was greatly aggravated by the fact, that the claimed limits of the several states were not sufficiently defined, and interfered with each other; and this perplexity again threatened to become the cause of still more dangerous contention. To secure justice to all; to quiet the prevailing jealousy, and to reconcile so many jarring interests, as well as to obtain for itself available resources to defray the expenses of the war; the congress of the confederation, repeatedly, and most ear-

neatly, pressed its invitations upon those of the states, claiming large quantities of this domain, to cede it, in fit proportions for the common good. As the most operative inducement to such cessions; and also that when ceded, those lands might be rendered the more desirable, and consequently be rendered more certainly and at an earlier period, available for the purposes for which they were wanted; by early and advantageous sale, it was constantly avowed by that body, that the tracts so to be ceded should be "laid out and formed into republican states," and that when, by the sales to be effected, a sufficient population should be persuaded to settle them, they should "be admitted members of the federal Union, having the same rights of sovereignty, freedom and independence as the other states." This condition and guaranty was invariably affixed to their invitations and acts, from 1779 to the period of the adoption of the constitution. And it is not immaterial to observe, that in the ordinance of 1787, (so frequently referred to,) among the articles of compact, made irrevocable without common consent, provision was made for the immediate formation of a certain number of states within the territory ceded in accordance with those invitations; and that it was further, in the same solemn instrument provided, that, "whenever any of *said states* shall have sixty thousand free inhabitants therein, *such state shall* be admitted by its delegates, into the congress of the United States *on an equal footing* with the original states, in all respects whatsoever."

This wise policy, tended to quiet the jealousies of the *smaller* states, against the future disproportionate power of those of larger dimensions: It tended greatly to encourage the settlement, and accelerate the sale of the public lands, by holding out to purchasers, the guaranty of republican institutions, and early independence; it prospectively established and extended those principles of freedom and justice, for which all had contended; and it tended to enable the general government to make the fund so acquired, available, at an early period, for the purpose of discharging the public debt. If *properly* construed, it removed, also, the hazard, so much dreaded by wise and able patriots, of continuing in the hands of that general government *in perpetuity*, a fund, which, if so retained, might render that government too *dangerously independent* of the states, and of the people?

These considerations were not void of influence, and Massachusetts, New York, Connecticut and Virginia, which, each according to its *asserted* charter limits, claimed to be proprietor of the whole, or parts, of the old north-western territory, respectively made their deeds of cession, *limited and restricted*, according to the stipulations and conditions contained in the resolves and acts of congress alluded to. And thus, by the

making and acceptance of these deeds of cession, the principle, which recognized in the states, the right respectively to appropriate the public domain, *not so ceded*, was but the more firmly established.

But it is said that the states, members of this Union, are no longer in all respects "sovereign and independent." This is undoubtedly true—many important prerogatives of sovereignty were granted, and most happily, to the national government. But was *this* one among the delegated powers? The "original states," are daily furnishing evidence, by their land patents, continually issued, and by their constant legislative action, that *they* do not so understand the constitution. Now, if any one of those states may have rightly exercised, and may still exercise, those powers of sovereignty, then it may be assumed that *all* may; for it is impossible, I think, to suppose, that the constitution of the United States could have sanctioned any plan of an *unequal* distribution among the several states, of supreme power. Such anomaly would undoubtedly have tended to its own destruction. And the history of its adoption, as well as the intrinsic evidence the constitution itself contains, manifestly shows the jealousy and caution with which a just and well balanced equality in this respect, was sought to be secured—that *each* state was intended to rest upon "the same footing," in regard to its sovereign powers, with *every other* member of the Union, and that whatsoever political capacity *one* state might possess, every other state, within its own limits and scope of action should likewise possess, seems to me manifest, from the whole context and spirit of that instrument.

The whole matter, so far, may be summarily presented, then, in this shape: Prior to the revolution, the unpatented lands were claimed by, and admitted to appertain to, the government of Great Britain. Why? Because *all* sovereign political powers, within the whole extent of its North American provinces, were concentrated in that government. When that political relation ceased, and independence was asserted, the property of the "crown lands" followed the transfer of sovereignty, and vested in those now independent states, in which they were situated; and it did so, for the reason, that they severally had become free, sovereign and independent. While so possessed, and possessed of immense tracts of those wild lands, some listened to the solicitations of their sister states, and were pleased, for the purposes mentioned, and *under* the stipulations prescribed, to execute deeds of cession, *for parts* of this public domain, to the confederation. The confederation kept its faith; the ordinance of 1787, preceded by many other acts indicating similar intentions, was passed; *new states* were "laid out and formed," within the ceded country; colonial governments were provided for them, and assurances were, in

the most solemn form of *compacts*, *irrevocable*, renewed, that whenever any one of *such* new *states* should have acquired the requisite population, such new state should, forthwith, be admitted into the "federal union," with *all* the "same rights of sovereignty, freedom and independence, and upon the *same footing* with the other members of the confederacy, *in all respects whatsoever*." Intent upon the object of rendering this great fund available, for the purposes for which it was professedly procured, contracts were early entered into with the Scioto company, the Ohio company, and John C. Symmes and his associates, for the sale of many millions of acres; immense tracts were designated for the satisfaction of the claims of the officers and soldiers of the revolution; and, without descending to the character of a great land speculator, (selling his acres by *retail*,) whole townships were offered in New York, Philadelphia, Pittsburg, and elsewhere, at public auction. Thus every indication was exhibited, of a wish to accelerate the admission into the Union, of the new states "laid out;" and while it was yet time; while sovereign *power* for *all* purposes, was still exercised over these new colonies by the general government; that government evinced a constant desire to effect sales of this domain *rapidly*. Indeed, the conviction would seem to have been deeply rooted, that as it passed from the crown of Great Britain, with other, the prerogatives of sovereignty, so, the proprietary interest in these "unpatented lands," however acquired, would pass to the new states, within whose borders they were, when *they* should be admitted into the Union, upon the same footing with the original states. Congress, therefore, withheld no encouragement; they intermitted no effort, to convert this vast property, by public and by private sales, and in the shortest practicable time, into available means with which to pay the debt of the revolution! This was certainly the course of justice and of prudence. Of justice, because it was admitted, nay, more, it was *felt* by all, that the debt of the revolution must be paid! Of prudence, because the people and the states could never have consented to have placed so vast, so increasing a fund, to be kept for a long and indefinite period, in perpetuity, perhaps, in the control of a government, which *might* separate itself, and its interests, from the *states*, and the people, and become independent of both! and because there were then, among our soundest statesmen, and purest patriots, those who thought that there was no legitimate authority, no constitutional capacity, in the general government, to become grantees or proprietors, in any shape, of this vast domain. "And yet all this has been done," says Mr. Madison, speaking of these cessions, and of the disposition proposed to be made of them by the old congress, (Federalist, No. 38,) "and done without the least color of constitutional au-

thority. A great and independent fund of revenue, is passing into the hands of a single body of men, (the old congress,) who can raise troops to an indefinite number, and appropriate money to their support, for an indefinite period of time."

But whatever may have been thought formerly, or now, as to the constitutional incapacity of the United States, either under the old confederation or under the existing constitution, to receive or to hold the public domain while yet it was a wilderness, it is nevertheless, purchased, cultivated and settled by those who have a *right* to look for the redemption of the pledge *holden out to them* by the venders; who had a *right* to expect, and who *did* expect, that the country they came to inhabit would become *free*, sovereign and independent; who were assured that, in the fullness of time, their adopted country would be admitted a member of the Union, on the same footing, in all respects whatsoever, as the "original states." *Nominally*, Michigan is so admitted; *ostensibly*, she is so *declared* by law. But is such, substantially and in truth, the footing on which WE stand? What was the condition of that beautiful and magnificent country which extends from Utica westward to the shores of lake Erie, at the termination of the revolutionary war? It was one wide spread waste! It was "unseated," "unpatented," "crown land." And what has more certainly or more eminently tended to increase the vast wealth, and power, and dignity of the "empire state," than her admitted proprietary interest in that splendid garden? Is Michigan admitted into the Union "on the same footing, in all respects whatsoever?" What enabled rich and powerful Pennsylvania to sustain all the expenses of her state government, during the whole period of her existence as an independent commonwealth down to the time of the commencement of her present system of internal improvement, without the necessity of a state land tax? What, but the immense resources which she has drawn from her "unpatented wild lands?" Is Michigan admitted a member of this Union on the *same footing, in all respects whatsoever?* Whence, but from her "western reserve," came the ample funds of provident Connecticut? To whom, both before and after the adoption of the national constitution, belonged those uncultivated acres which lead off, with almost boundless expanse, towards the confines of the province of New Brunswick; and for an intrusion into which, by a foreign power, this nation is even now, threatened with the miseries of a national war? But, if wars overtake *us*, and the pressure of public calamity be upon *us*, may WE also look to the "unseated" and "unpatented" acres, that so break the continuity of our settlements—that are in the midst of and all about us? Yet the guaranty under which our citizens have purchased, and domiciliated themselves here, was, that Michigan should be

admitted into the Union "on an equal footing with the original states, *in all respects whatsoever!*"

Of all the rights that appertain to a "sovereign and independent state," I know of none more indisputable than that of uncovering the natural wealth of the country, or facilitating its intercourse, of increasing its commerce, and of encouraging its agriculture by the construction and establishment of roads, canals and railways; nor do I know of any such right that draws after it a correlative duty more imperative. To that end, *all* the resources of every sovereign power *must* be holden subservient; to that end, every species of property, and every subject of the government, should be made to contribute in just proportion. This wise, just and proper purpose, Michigan has sought to accomplish. How has the effort resulted? In the exhaustion, alas, of our means—in the prostration of our hopes—in the humiliating failure of the undertaking! And why this failure? Because more than three-fourths of the real estate of the country is claimed to be beyond the reach of taxation! These natural and proper resources of the country are locked up. More than three-fourths of that property, directly to be benefitted by the operation, is holden to be beyond the control of a fair, proportionate and compulsive contribution! And the most useful and legitimate of all the powers of government, are thus chained up, and a general paralysis overspreads the land! Is this just? In the often repeated resolves and acts of the old congress—in the deeds of cession quoted by our brethren of Vermont—in the solemn and irrevocable articles of compact, entered into with us, and for our use, and contained in the ordinance of 1787, it is declared in every variety of positive terms, that "the states so formed, shall be distinct republican states, and shall be admitted *members* of the federal union, having the same rights of sovereignty, freedom and independence, as the other states." And are these high attributes in our case to be illustrated thus? Why, we may almost as fitly seek for their illustration in the annals of the fabled Barrataria of Cervantes!

But we are admonished, gentlemen, by the Vermont resolutions, that the "deeds of cession" contain another clause of far different import; "the lands ceded," our friends assert, "must be considered," (for that the deeds of cession so provided,) as a common fund for the use and benefit of all the United States, members of the federal alliance, and shall be faithfully and bona fide *disposed* of for that purpose, and for no other use or purpose whatsoever.

It may be admitted, I believe, that such is, indeed, the general scope of a provision, either expressly inserted, or by reference, essentially adopted, in perhaps all the deeds of cession. And it would be neither wise nor honorable to disguise its just

meaning, if it were in our power to do so, nor diminish its *fair* and proper weight! And if, upon a full consideration of the matter, it should really be found that our fancied sovereignty is a delusion, and our independence a mockery, still, in such an exigency, we must take counsel of honor only, of justice and of patriotism.

But to determine the true meaning of the provision, and the proper influence which should be given to it, I hold it to be most certain, that we must look at the whole instrument; we must look at the bearing of *all* its provisions, and at the bearing of these resolves and acts of congress in reference to which the cessions were made, and the articles of compact, (to which we have become parties,) and which were based in part upon them. In such a system, so important in its consequences, and so noble in its design, as that which looked forward to the formation and establishment of the vast political communities of the west, nothing is unimportant, and every part of the plan should be made to harmonize, (by restraining or enlarging the sense of the terms defining it,) with its general and elevated purposes. Such a rule of construction is applicable to all legal instruments; I know of none more useful where there is any ambiguity, or seeming confliction in its terms, nor any more manifestly sanctioned by reason, and I cannot bear testimony in favor of the ingeniousness of those of our Atlantic brethren, who, discarding that most sound rule of construction, would limit their views to a single provision, involving certain pecuniary interest, and in seeking to enforce it *literally*, as if it were in no wise subordinate and subservient to a general plan. Thus destroying the well balanced, theoretic and practical equality of the states; disabling the new and weaker ones, from performing the most important of all the functions of government; excluding from them their natural and proper resources, and absolutely degrading the character of their political existence!

Magnanimous Virginia—if her claim to the whole of the old north-western territory had been indisputable, would never have consented to cede her right, for the purpose of rearing or sheltering a people less free, or less worthy of independence than her own children!

The American colonists had *all* felt too bitterly the consequences of that colonial dependency, which depressed their enterprise, manacled their energies, and left them no *effective control of the natural resources of their* country; to indulge for a moment the thought of extending and perpetuating the miseries of a similar system, over the broad valleys of the great west. And who, with such destiny in view, would have braved the tomahawk and scalping knife, and all the horrors of an Indian warfare? Who would have become purchasers of the

useless domain, if it were not to secure for themselves and their children, habitations among the free?

The men who constituted the congress of the confederation, and who invited these sessions, who received them, and who enacted the ordinance of 1787, were men of unsullied patriotism, of expanded benevolence, and of far reaching thought. *In* the preamble to the irrepealable articles of compact, which are embodied in that ordinance, they thus announced the leading principles, and objects of the "deeds of cession and of the whole system, and for extending the fundamental principles of civil and religious liberty, which form the basis, wherever these republics, their laws and constitutions are erected to *fix* and *establish* those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils *on an equal* footing with the original states, at as early a period as may be consistent with the general interest." "It is hereby ordained," &c.

Now, any construction of the clause quoted in the Vermont resolutions, that would prevent the development of the proper resources of the state; any construction which would withhold from all control of the local government, large tracts of wilderness, breaking the continuity of our settlements, thus retarding, or at the pleasure or caprice of another power, utterly and forever preventing the advances of the agriculture and commerce of the state, any construction which would withhold from taxation and from all fair contribution, and for the most vitally important purposes of constructing roads, canals and railways over the state, three-fourths of the real estate within its limits, must be a construction utterly inconsistent, not only with the best interests of our citizens, and with the great purposes of *all* government, but equally opposed to the spirit of "the deeds of cession," to the purposes avowed by the congress of the confederation, to the rights of the state to regulate its own domestic policy according to its own pleasure, and repugnant to every attribute of that freedom, sovereignty, and independence," which are guaranteed to us, as well, by the "deeds of cession," as by all the resolves, acts and ordinances of the continental congress on that subject. According to technical rules, deeds are to be construed most strongly against the grantor, and when third persons have acquired a valuable interest in the subject, especially if the deed of contract were made with a view to such acquisition, (as in the case of the purchasing inhabitants of the ceded public domain,) then is the writing to be construed most favorably for such interest; and it is a very ancient rule, that when there exists a saving, reservation or qualification in any writing, utterly inconsistent

with the main purpose of the contract, effect is given to such main purpose, and the saving or reservation is deemed null, by reason of the repugnancy.

But without the aid of technical rules, reason and common sense would exclude all *such* construction of any one clause or provision, in any general scheme, as would practically tend to defeat its leading and paramount purposes, and would require that the sense of a particular clause be so far restrained or enlarged, as that the whole may be made to harmonize, and the general interest enforced. Now, no one, I think, can finish an examination of the resolves and acts of the old congress, (especially those of September and October, 1780, of April, 1784, and the ordinance of 1787,) together with the different "deeds of cession," without feeling convinced that it never consisted with the intentions of the parties to those "deeds of cession," that the general government should remain the perpetual proprietors of the ceded domain; nor could it ever have accorded with the wishes of the American people, that such should be the result. There was nothing so fascinating in the policy of the ancient kings of Egypt, (and its present ruler had not then restored that policy,) as that the American people should have desired its adoption. *Some* period, then, was unquestionably anticipated when congress should become dispossessed of this great landed property. One of the principle objects sought to be obtained by the action of the United States in this matter, was the erection of a number of distinct republics, and the extension and perpetuation, over this wide spread country, of those fundamental principles of civil and religious liberty upon which their own governments were based. Could this be effected over a land either uninhabited, or inhabited only by serfs, lessees or trespassers?

Another motive which stimulated the action of the confederation, was the existing jealousy which prevailed on the part of the small states, against the growing power of the larger ones. The retention by the general government of the immense domain, could but have changed the *object*, while it increased the force of this well founded jealousy. A third motive which influenced the proceeding, undoubtedly was, the earnest desire of the United States to meet the expenses of the war. They manifestly hoped to convert the ceded public lands into available means to effect that purpose. This was certainly a very operative inducement. How could effect be given to it, but by large and *immediate* sales?

Thus all the avowed motives which induced the old congress to solicit these grants from the states, imply the absolute exclusion of all intention to retain them.

And, in almost equally direct terms, the "deeds of cession," themselves, precluded all such purpose, under defined condition

and restrictions, (of which the most prominent have been already so often alluded to,) the lands so ceded were by the very acts and "deeds of cession," *required to be disposed of, &c.*

The United States cannot rightfully hold these lands forever, for it would defeat all the great objects of the cession. They *must* be disposed of, for such are the terms of the grant, and the grantees *must* take per *formam doni.*

Within what time then, should they be so disposed of? within the life of one generation, or should it be within a *reasonable* time? and what is that reasonable time? The rule of construction I have adverted to, (of so construing *each* part and clause of the entire arrangement, as that the whole will stand together,) will furnish the answer. Neither of the new states can claim, of right, to be admitted into the Union until it shall have acquired the specified population. Until admitted, it possesses no inherent sovereignty; until then the sovereign power rests in congress, not only to regulate the internal policy of the state, but also to dispose of and make all necessary regulations respecting the public domain. But when the "new state" is admitted, (and it is congress alone that can admit it,) that sovereign power passes from the general to the local government, and with it as its inseparable incident, the right to appropriate the waste and unpatented land, if any such remain.

The congressional act of admission, operates *per se*, as an an effectual disposal of the public unappropriated wild lands. This construction reconciles the seeming inconsistency of the provisions heretofore alluded to. It leaves with the general government, an ample and reasonable time, within which to dispose of the public lands. A failure to make such a disposition, on the part of congress, cannot in justice, be deemed to furnish a reason for withholding, from such admitted new states, any of its rightful sovereign powers; for while it remains in its minority, it can exercise no control in the matter.

This construction maintains that just balance of the constitution, which results from an equal distribution of powers among all the states, members of the Union; and while it does injustice to none of the original states, it leaves with the young and weaker ones, those rights and faculties, the exercise of which is necessary in ordinary times, for their well being, and the advancements of their best interests; and in times of war, or great public calamity, essential to their existence. And finally, this construction enforces and gives effect to all the great objects and beneficient purposes which induced the cession.

Against this construction, however consistent it may be, with the terms of the several "deeds of cession," I am aware

that another objection may be urged—nor has that objection escaped the observation of our brethren of the Atlantic border. In one of the articles of compact, contained in the ordinance of congress, of 1787, a clause is found, purporting that "the legislatures of those districts, or *new states*, shall never interfere with the primary disposal of the soil, by the United States in congress assembled, nor with any regulations congress may find necessary, for securing the title in such soil to the bona fide purchasers," &c.

It ought to be conceded, that in any attempt to ascertain and adjust the respective rights and relative condition of the states, and of all the parties in interest, in the subject matter of these "deeds of cession," all contemporaneous or prior acts of congress, relative to the same subject, and especially the ordinance of 1787, are to be taken into view; yet, I indulge the belief, that the objection which this clause interposes to the construction contended for, upon further consideration, will not be found insurmountable.

Nothing is more certainly essential, in every attempt to arrive at a true construction of a law, or of any proposition, than an accurate comprehension of the *meaning of terms*. And considering the changes to which all living languages are subject, it *may* be as necessary, under circumstances, to look at the *time*, when an emphatic term is used, in order to ascertain the true sense in which it is to be taken, as at the subject matter treated of. The term "states," or "new states," when found in the constitution of the United States, or in acts of congress, passed subsequent to the adoption of that instrument, implies a political community, which with the exception of certain enumerated limitations, and specifically delegated powers, is in the most extended political sense, *free, sovereign* and *independent;* a community, too, which is, of itself, an admitted, constituent part and member of the Union. Such is the technical meaning given to the term by the constitution, and in that strict and constitutional sense, it *must be taken*, in all laws and acts of government, passed since the adoption of that constitution. But the same term, when used *before* the adoptionof the constitution, and by all writers on public law, implies no such powers, limitations no faculties, but in a very undefined extent, implies merely "a political community." The district of Columbia, "according to the definitions of writers on general law," was admitted by the supreme court of the United States, to be "a state;" but the same high authority determined, that in view of the *technical* meaning given to the term by the constitution, that district was not a "state," and could not be comprehended by that term, when used in acts of congress, passed since its adoption. (2 Era, 452.)

Now, the "deeds of cession," the resolves and acts of the old congress, which led to them, and the ordinance of 1787, in all of which the term is used, were *all passed long before the adoption* of the constitution; thus rendering it impossible that the term "new states," contained in the clause of inhibition referred to, should have been used in that constitutional sense, which was not imparted to it, until nearly *two* years after the passing of the ordinance. The matter being thus far disembarrassed of difficulty, it remains to inquire if the term were used, in *any sense*, which would preclude the construction contended for in behalf of the "new states?" It is believed not. Both the "deeds of cession," and the ordinance, plainly intend, that the new states should be created, long before their admission into the Union, would be competent or desirable. It is provived in the fifth of the permanent articles, "that there shall be formed," &c., "not less than three nor more than five states," &c.; and "whenever any of the said states shall have sixty thousand inhabitants therein, such state shall be admitted," &c. Their existence as "states" is thus supposed during the whole period, from the time the settlement of the country commences, to the time, however remote, when they shall have attained the requisite population.

But if doubt should still remain on this point, a reference to the language used in the act of the 23d April, 1784, it is believed will fully remove such doubt. The term "state" is there directly applied to the communities in every grade of their political existence, prior to their admission, so that there can remain no fair ground to presume that the term "new states" was used in any *exclusive* signification, or with special reference to such states, after *they should have been admitted* into the Union. But, on the contrary, no room for doubt can remain, but that it was used in its most general and indefinite sense, and that, consequently, a fit occasion is presented for the application of that rule of construction by which the import of a general term or clause is to be restrained or extended, upon reference to every other clause, and to the whole context; and the restriction of the inhibition to the states as they existed under the ordinance, and prior to their admission as members of the Union under the constitution seems strongly enforced by the consideration that the constitution is paramount in authority, to the ordinance; that the ordinance can, in fact, impart no actual power to the states, but that it is *alone* to the *constitution* that we must look, in order to ascertain the powers and the restrictions upon the powers of the state, members of the Union.

There is another feature in the character of this matter, which our eastern brethren seem to have overlooked; such of them, at least, as would claim rights here, founded upon the

"deeds of cession." It is this: that no part of Michigan ever constituted a part of any one of the *ceding states*. That Michigan, and every part of Michigan, ever was, since its first discovery by Europeans, and always continued to be a part of Canada, both before and after the peace 1763, is a proposition which needs no evidence to support it *here*. The monuments of its former proprietors and possessors crowd too thickly about us, and all about us, to leave *such* a matter in doubt; nor is it at all necessary, for our better satisfaction in that particular, that we should go back to the diplomatic bureaus, or the international negotiations of either France or England, to ascertain that fact. True it is, that the very ancient charters of Massachusetts and Virginia, New York and Connecticut, may have purported to comprehend parts of that which is now Michigan. And it would perhaps be more difficult to determine which of these ancient conveyances *do not*, rather than which of them in terms *do*, include the whole country. They all, I believe, continue westwardly until they severally terminate in the Pacific ocean! And why, the modesty of the monarchs of England should have restrained them from going further, may present a grave question for antiquaries to decide! But I have never learned that Virginia has made claim, on that ground, to California, or any part of Mexico; or that Connecticut or Massachusetts ever exercised jurisdictional powers at Astoria! Though the claim of France to the valley of the Ohio, as a part of Canada, or an appendage to it was disputed; yet I have never learned that her claim to Detroit, Chicago, Michilimackinac or the Sault de Ste Marie was ever contested by Great Britain or her provinces, until the whole of Canada was taken from her during the war which terminated by the treaty of 1763. But it seems of little moment to dwell longer upon this particular branch of the subject here. The "crown lands" of Michigan, as well as the "crown lands" of Georgia and of Maine, had been won by the courage and the perseverance, the blood and the treasure, the sacrifices and the negotiations of our common ancestors; the great and good men of the revolution! As this vast domain, scattered as it was, over most of the states, was obtained by the joint effort of all, so it was insisted by Maryland and Rhode Island, Delaware and New Jersey, that they should be holden for the joint benefit of all. *But the doctrine did not prevail. All* the other "original states" opposed it; and each resting upon its own basis of "sovereignty and independence," asserted and *maintained* its own exclusive right to that which was within its own proper borders.

But gratitude, honor, and every good motive, required that the debt of the revolution should be paid. The ceding states contributed of their abundance. The "deeds of cession" were

given; and the old north-western territory, instead of becoming the future theatre on which to contest the indefinite and conflicting titles of powerful states, was destined to add to the constellation of independent, sovereign and happy republics! But when will that destiny be fully accomplished? When will the states, peopled and built up under the guaranties of the ordinance of 1787, be let into the full exercise of all that "sovereignty and independence," which distinguished the proud eminence of the "original states?" The debt of the revolution is now fully cancelled. Its officers and soldiers, always objects of veneration and love of the whole American people, have also been otherwise remembered in the distribution of the public domain. And now, why are the same rights and sovereign powers that were recognized as existing in the older members of the Union, withholden from those states which have become established within the old north-western territory, and have been received into the American family? Michigan is *nominally* admitted a co-equal member of the Union. As it becomes her to do, she seeks to advance the commerce and the agriculture of her people; and by the construction of roads, canals and railways, to disclose the capabilities of her fertile soil—to develope and bring into active usefulness, the latent wealth of her country. But it is in vain! an *interdict is upon* her! Her resources are under the seal of the nation! and now, that *new* interests have grown up, and the balance altered, the repudiated reasoning, and the repudiated projects of sixty years ago, are revived. An agrarian distribution of the "waste—unpatented" "crown lands," is again the subject of discussion! And should the dignity of state pride continue more and more to fade, before the brighter and broader effulgence of national power? And should the theories of other years be overturned, and (*principles* change with the times,) should a distribution of the public lands, or their proceeds be now enforced in favor of all the states, it will be at least incumbent upon the new states, to insist that the system be made co-extensive with the reasons upon which it purports to be based, and the justice, then, of comprising in the fund, to be divided, all that were "unseated crown lands," at the close of the revolution, wheresoever they may be situated, will not be lost sight of. Many millions of these acres, in the southern, in the central, and in the northern states, have been disposed of and sold by the states, within whose borders they were, and their proceeds made to swell the coffers of those states. Many millions still remain unsold. If the principle of distribution be enforced, shall it not be made applicable to all, for which all alike contend? *Who* were they, by whose efforts they were obtained? Were they not our fathers, too, as well as the fathers of those who never ventured in the *great west!* And shal

we be disinherited because, by the encouragement of our parents, we left the homes of our infancy? Because we wandered from the confines of our native state? The sense of justice—the generous feelings of the American people, could not enforce so invidious a distinction. If our brothers of the Atlantic states have received an "advancement," will it not be brought into the account? If the "original states" have grown rich and powerful by the aid of the "crown lands" within their borders, will not the whole be thrown into a common fund before they enter (for a distributive share of the whole of the parternal estate,) into the confines of those "new states," which they *promised* to place on the "same footing," with themselves?

To whatsoever decisions may be made of these momentous questions, *we* shall owe the most respectful deference; and with whatsoever severity it may bear upon us, if that decision should be sustained by the public opinion, by the general sense of the nation, it would be as unwise as it would be hopeless, to contend against it; but happily for *us*, the question is still unsettled before the American people. There are probably no governments upon earth more subject to the influences of public opinion, than ours are. Public opinion forms, indeed, the basis upon which all our institutions rest; it is their cement, too, and their only strength. To that public opinion *we* may still appeal, and the effectual mode to secure its success, is, by our own candor, to dislodge from the public mind, those prejudices, which local feeling and local interests so commonly produce. During some years past, this subject has occasionally engaged the attention of the legislatures of most, perhaps of all, the "original states." Views suited to advance exclusively *their* interests, have, from time to time been presented; and in the popular addresses and newspaper publications of the Atlantic states, the selfish and sordid feelings of our nature are too frequently invoked against us; while, on the other hand, *no full exposition* of the claims of the new states, and of the principles upon which they must rest, seems to have been attempted by the legislatures of our sister states of the west. It is not favorable to justice that the public mind should be thus pre-occupied by partial views, and expositions so strongly tinged by local feelings. It is from such considerations that I have not been willing to lay before you, the resolutions of Vermont, without comment, nor without presenting to you some general views of the whole subject, and some expositions which may tend to advance *our own* peculiar interests.

Those I here present, may, perhaps be obnoxious to the criticism I have ventured to apply to others, that, viz: of being tinged by local interests! But considering the grounds that have been taken elsewhere, an *attempt* to exhibit the character

of our claims in a more favorable aspect than that in which they have been viewed by our fellow citizens of the "original states," will not, I hope, be considered as deserving of censure.

There are some topics, connected with the subject, to which I have not here adverted; but which, in any general view of it, are essential to be considered. The acquisition of Louisiana, is *not*, perhaps, of this description. The reiterated assertion, that the purchase of that great country, cost the nation some ten or twelve millions of dollars; and that the states collectively ought not to incur the loss of so large a sum, for the peculiar benefit of the four or five new states which may ultimately have been created there, affords, I think, no just argument against the more ancient expectations of the people of Michigan. The learned and able *statesman*, under whose auspices that purchase was negotiated, is well known to have entertained the opinion—in common with many others—that the sanction of an amendment to the constitution of the United States was necessary, in order to warrant the procedure. And if the nation were so far indiscreet as not to make appropriate provision for its own security, in all respects, I cannot perceive any just influence such omission can have upon anterior rights. But the particular topics to which I now allude, are some that have already been made the subject of attention at a former session; and are, perhaps, sufficiently spread out upon the archives of the legislature. Among the senate documents of 1838, will be found a report of the committee on state affairs, (No. 32,) "relative to the application of this state for donations of lands for internal improvements," &c. The principal subject of this communication is there incidentally brought into discussion. The sentiments contained in that report, received, I believe the unanimous assent of the body to which it was made; and the resolutions appended to it passed both houses. The leading proposition contained in *this* communication, are to be found, with others, in a more condensed form, there. Without attempting any further recapitulation of the matter contained in that report, I venture to solicit your renewed attention to the views there presented; with the further recommendation that the same matters be again and earnestly pressed upon the attention of congress by you, with such qualifications and additional views as your best judgment may approve.

Although I have much confidence in the soundness of the reflections I have now submitted to you, concerning those theoretic principles of our government, which are involved in the consideration of the title to the public domain, and concerning the construction I would put upon the ordinance of 1787; and although I have much reason to feel assured, likewise, that at the period of the admission of Ohio as a member of the Union,

many of our most able statesmen entertained the opinion, that upon the admission of that state, the unpatented public domain within its limits, would *unavoidably* pass from the control of congress, to such newly admitted state; yet, gentlemen, I am not prepared to recommend that you should now take measures, founded upon such opinions, (although you should fully concur in them,) with a view to *enforce* the claim they indicate. We know that great and good men have entertained a different belief. We know that a contrary hypothesis, has *practically* obtained for many years. These considerations should lead us to look with some distrust upon any process of reasoning which should lead us to any conclusion, opposed by *such* authorities.

We know that the public mind in the "original states," is not prepared to witness with complacency, the bold assertion now, of such a claim; and after all, the "original states" are *our* states; it is our "father land," and the honor of our fathers! and vain and false is that philosophy which would admit, that time or distance, or any but the most powerful cause, can sever that cord which fastens our affections to the land that gave us birth! Nothing can separate the affections of the new states from the old, but a deep sense of injustice; continued, persevering injustice! Michigan *has* suffered wrong; wrong has been done her on her *southern* border, and on her northern; while in all her counties her enterprise is cramped, her energies are paralysed and her resources are locked up in the public domain! But she is not yet driven to the wall! She loves the Union, and will adhere to it; she knows the intelligence of its people, and has every thing to hope from its justice; she respects the firmness of congress, and trusts that no such disposition of the public lands will be sanctioned by that body, as may prejudice the just rights of Michigan. Her people have admired the elevated policy and disinterested patriotism, which have so often distinguished the councils of the American congress; and therefore cannot believe that *they* who were *promised* that their state should be placed "on the same footing with the original states in all respects whatsoever," can much longer be made to continue the victims of a system, which practically renders useless, all the natural resources of their country; which prevents the advance of its agriculture and its commerce; which not only inhibits her from reclaiming and appropriating to any of the useful purposes of society, the waste and "unseated lands throughout her limits," but from taxing them for *any* purpose; and which fatally closes her door against *all progress* in her system of internal improvement? To remove evils such as these, is of the most vital importance to us; and I most certainly entertain a very sanguine belief, that a presentation by

you. to congress, of these grievances, would be attended by the most favorable consequences.

WM. WOODBRIDGE.

Executive Office, March 7, 1840.

Resolutions.

Resolved, by the Senate and House of Representatives, That our senators in congress be instructed, and our representatives requested, to use their influence to procure the passage of a law which shall provide for a just distribution among the several states, of the proceeds of the public lands, agreeably to the terms of the deeds of cession, which provide that the lands so ceded, "shall be considered as a common fund, for the use and benefit of all the United States, members of the federal alliance," "and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever," and to oppose any measure calculated to promote the eventual surrender of these lands to the states in which they are situated, which would be entirely repugnant to the condition of these grants, and contrary to that principle of equal and exact justice which should characterize all the dealings of the general government with the several states of the Union.

Resolved, by the Senate and House of Representatives, That the governor be requested to transmit copies of the foregoing resolution to each of our senators and representatives in congress, and to each of the governors of the states, with a request that they present it to the legislature of their respective states.

State of Vermont:

I certify the foregoing to be a true copy of resolutions passed by the legislature of said state, at their session in October, A. D. 1839.

C. L. KNAPP,
Secretary of State.

SECRETARY'S OFFICE,
Montpelier, Nov. 20, 1839.

[No. 56.]

Report of the Committee on Internal Improvement, upon the petition of William Bronson, and others, contractors on the Clinton and Kalamazoo Canal.

The committee on internal improvement, to whom was referred the memorial of William Bronson and others, contractors on the Clinton and Kalamazoo canal, have had the same under consideration, and report:

That from the best information the committee can get, they find that, of the sixteen petitioners, who represent themselves contractors on said canal, four of them are not contractors; that one of them after making to the commissioners a fruitless attempt to get an advance on his contract, formally surrendered the same, but subsequently sold and assigned his contract without the permission of the board of commissioners—this in February, 1839; and since that time, neither the assignee or assignor have been considered contractors by the commissioners. That the contractors on this work, in consequence of the failure of the state bank, were not paid for their work done in the months of February and March, 1839, until April; and for the work done in the months of April, May and June, they were paid by drafts on John Ward & Co., in New York, in the month of July, made payable 1st November. The months of July and August, were paid by the warrant of the auditor general. The estimates for September, October and November, were paid in the month of December in like manner; and the estimate for December and January, 1840, in the same manner.

The committee doubt not, but some of these petitioners may have a good claim, growing out of deferred payments, and that others of them have no claim either in justice or equity; and they are informed at the office of the board of internal improvement, that all of their contracts have expired by limitation. The committee, under the belief that ample relief to the injured contractors will be provided by the passage of the internal improvement bill, asked to be discharged from the further consideration of this petition.

All of which is respectfully submitted.

J. HOWARD, *Chairman.*

[No. 57.]

Report of the Minority Committee on Five Million Loan.

The undersigned, a minority of the committee to whom was referred certain inquiries relative to the five million loan, differing from the majority in regard to the manner in which the subject should be treated by your committee, make the following report:

The subject referred to the committee, is one which has long and deeply interested the public attention. It embraces a negotiation of a difficult and important character, throwing heavy responsibilities on the officer to whom it was entrusted, and involving the highest interests of the state. A clear and proper understanding of the subject is due to the people, as well for their information, as it is an act of justice to all parties connected with the negotiation.

It is not the province of the undersigned, nor is it their intention, to reflect upon political parties or individuals, without the walls of this house. But they must be permitted to say, that the high tide to which party strife has heretofore extended, has unfortunately attached a taint to the credit of the state, and cast imputations where justice did not authorize it. The negotiation of this loan, was a measure vitally connected with the great interests of the state. It was a measure upon which was based the fabric of our system of internal improvement; and the agitation of the subject for political purposes, has tended to misdirect public opinion abroad, and has seriously jeoparded the public welfare. It was a question of a purely financial character, difficult in its consummation, trammeled by the pecuniary embarrassments of the country, and should have been regarded by all parties as too sacred for the political arena.

If every one, having the interests of the state at heart, had united to maintain her character and credit, we should have less cause to mourn the embarrassments of our treasury. On the contrary, we have beheld the credit of Michigan placed in the market as political capital, for ourselves at home. She has been proclaimed bankrupt from this negotiation, by our own press; and this libel upon her fame is not an exotic, but the very product of her own soil. Is it to be wondered then, that difficulties have attended your moneyed negotiations, or that your credit has become a question at the money changer's counter? It is the duty of the committee to correct these false impressions; to show that this negotiation has not, as is alleged, irretrievably destroyed or blighted the prosperity of the state; that the sale of public stock has been equal to the highest rate of the market; that the amount due the state, has and

will be realized; and that Michigan can, and will, maintain unimpaired, her integrity and faith to her creditors. For this purpose, the undersigned is impelled, by a sense of duty to review the entire negotiation.

The loan of five millions of dollars, for purposes of internal improvement, was approved March 21, 1837. Immediately on the passage of this law, the officer to whom the negotiation was entrusted, visited New York for the purpose of concluding a sale of the stock to be issued. The embarrassments during the year 1837, precluded the possibility of a sale during that period, although the negotiation was entrusted, both in Europe and America, to the hands of the ablest and most experienced financiers of the day. Despairing of an immediate negotiation abroad, and urged by complaints at home, anxious as all parties here were, at that period, to realize something on account of the proposed loan, an offer was made to the banks of Detroit to purchase a portion of the stock. These banks were unable to furnish the amount required, and declined the negotiation. Early, however, during the year 1838, a well known and experienced operator of the city of Detroit, proposed to take one million of the bonds, and to furnish security for the payment of that amount. A contract was consequently entered into for one half the amount received, $500,000 00, and the stock thrown by him into the European and American market, under the most favorable auspices. Two hundred thousand dollars was received on this agreement, but the utter impossibility of the party realizing on his stock, required the sale to be canceled, and the stock to be returned to the state. The amount sold by the party on which the two hundred thousand dollars paid to the state had been received, realized to him only ninety-three and ninety-five cents to the dollar.

On the 8th of May, 1838, a contract was also entered into with Edward R. Biddle, Esq., in behalf of himself and friends, for the entire loan of five millions of dollars. Eighty thousand dollars was received on this contract, at the time of closing the same, but in consequence of the derangements in the money market, Mr. Biddle found it impossible to consummate his arrangements, and this contract was unavoidably canceled. These facts, therefore, are stated, to show the anxiety, and efforts of the officer intrusted with the negotiation, to effect the sale of the stock; and also to exhibit the difficulties he had to contend against. They are taken from the testimony submitted to a joint committee of the legislature at their last session.

In the mean time, the then executive remonstrated by special message to the legislature against the policy or propriety of throwing the responsibility of this negotiation upon the executive department of the government, and he also urged the appointment of a loan commissioner, whose sole duty and un-

divided attention should be directed to the subject of the loans of the state. To this recommendation no response was made by the legislature, and the executive, driven into the market again, was compelled to enter into, and close the existing contract with the Morris canal and banking company for the entire issue of stocks authorized, at the rate of 97½ cents. This contract was subsequently modified, by which the bank of the United States became a party, and the guarantee for the payment of about three millions of dollars.

Under this contract, the state is relieved from all charges in the payment of interest, &c., for the period of twenty-five years, the time for which the loan is to run. Taking, therefore, every charge into account, the undersigned cannot hesitate to declare, that the sale of the stocks, was upon the most advantageous terms the state of the market would warrant.

This will be more apparent to the house by a reference to the rates of stocks of other states, as is exhibited by the annexed tables, to which the undersigned begs leave to refer; and by which, it will appear, that the average yearly rate of interest to be paid by the state of Michigan, including all charges, will not exceed 6 per cent, and about 1 $\frac{20}{100}$ mills. The annexed tables will also fully exhibit the present position of the loan, the amount received, the amount due, and the charges, thus far, paid by the state.

There is one portion of inquiry refered to the committee, which seems to be taken from their hands by the recent appointment of a select committee by the house. The undersigned alludes to the question of canceling the portion of the contract as entered into with the Morris canal and banking company and the bank of the United States. That question properly belongs to the last named committee. The undersigned conceives it his duty to let it rest there.

Taking the view of the subject which the undersigned have above stated, he does not hesitate to say, that the embarrassments of Michigan have not, and cannot arise from this negotiation, isolated in itself. The sale itself, he again repeats, was upon the most advantageous terms, and the evils that have arisen or may arise to the state, may be looked upon, as flowing from the application of the funds realized on this loan. That appropriation has, and still belongs to the legislature; the responsibility is there, and whatever of good or evil may rest upon Michigan from this source, will owe its being and existence to the representatives of the people.

Statement of the Five Million Loan.

The amount receivable, was		$5,000,000 00
(Less the commission of 2½ per cent allowed the Morris canal company, in consideration of which allowance, that company were to attend to the half yearly disbursement of funds to be provided by the state for the payment of the interest on the loan, for the whole term of 25 years, free of any other charge thereafter.)		
By the terms of the original contract with the Morris canal company, the state was to receive payment on account of the five million loan, as follows, viz:		
On execution of contract,		250,000 00
Subject to order,		1,050,000 00
Residue subject to a deduction of 2½ per cent commissions, to be paid in equal ½ yearly payments, commencing on the 1st of July, 1839, until the whole amount due shall be paid,		3,700,000 00
		$5,000,000 00
Deduct 2½ per cent commission,		125,000 00
Net amount to be received by terms of original negotiation with the Morris canal company,		$4,875,000 00

There has been received of the loan, as follows:

1838.			
May 1,	Gov. Mason's draft on J. Delafield,	$60,000 00	
	Assumed by Morris canal and banking company,	90,000 00	
			150,000 00
	Received of Oliver Newberry on his contract,		
July 3,	$30,000		
Feb'y 6,	81,000		
24,	50,000		
Sept. 19,	39,000		
	——— In full of so much of loan retained by him,		200,000 00
July 11,	Deposited in New York, received of Morris canal company,		80,000 00
	Carried forward,		$

	Brought forward,		$
Aug. 1,	Gov. Mason's draft on Morris canal company, N. Y.,		250,000 00
Sept. 1,	do	do	100,000 00
Oct. 1,	do	do	100,000 00
Nov. 1,	do	do	100,000 00
Dec. 1,	do	do	100,000 00
June 16,	In bills of Morris canal company,	$10,397 70	
	Prime, Ward and King's account, exchange do,	8,963 30	
	Jno. Delafield's account,	639 00	
			20,000 00
			$1,100,000 00
Feb. 12,	In bills of Morris canal company,	$195,370 00	
	Governor Mason's draft on Morris canal company,	4,580 00	
	Governor Mason's check,	50 00	
			200,000 00
1839.			
Jan'y 1,	Morris canal company charges account 2½ per cent commission on $5,000,0000 00,	$125,000 00	
	Morris canal company charges of interest on loan up to this day inclusive,	46,820 00	
April 1,	Governor Mason's draft on Morris canal company,	28,180 00	
Forming a part of the capital of the loan of			200,000 00
			$1,500,000 00
From which deduct the amount of the Ypsilanti and Tecumseh railroad company, and the Allegan and Marshall railroad company loans, of $100,000 00 each, included in the negotiation with the Morris canal company, and which do not form a part of the five million loan, proper,			200,000 00
Received, up to April 10th, 1839,			$1,300,000 00
Received, July 1, 1839, payment of principal,			250,000 00
	Carried forward,		$

	Brought forward,				$
Received,	Oct. 1,	do	do		250,000 00
	Jan. 1, 1840,	do	do		250,000 00

Total amount received on account of the five million loan, *proper*, up to January 1, 1840, inclusive, $2,050,000 00

Leaving due the state from the Morris canal and banking company, and United States bank, (exclusive of interest,) payable in one-fourth yearly payments, as follows, viz:

1840.					
April	1,	Payment of principal,		$250,000 00	
July	1,	do	do	250,000 00	
Oct.	1,	do	do	250,000 00	
1841.					
Jan.	1,	do	do	250,000 00	
April	1,	do	do	250,000 00	
July	1,	do	do	250,000 00	
Oct.	1,	do	do	250,000 00	
1842.					
Jan.	1,	do	do	250,000 00	
April	1,	do	do	250,000 00	
July	1,	do	do	250,000 00	
Oct.	1,	do	do	250,000 00	
1843.					
Jan.	1,	do	do	200,000 00	
Am't yet due, as per statement,					$2,950,000 00
					$5,000,000 00

Whole amount to be received, as appears by the auditor general's report, on and after the first day of April, 1840, $3,410,500 00

Of which, as principal, there is 2,950,000 00

Showing interest to be received, $460,500 00

And there is interest to become due from the state, as follows:

1840,	July 1,	$150,000 00	
1841,	Jan. 1,	150,000 00	
do	July 1,	150,000 00	
1842,	Jan. 1,	150,000 00	
do	July 1,	150,000 00	
1843,	Jan. 1,	150,000 00	
			$900,000 00

Deduct interest receivable from interest payable, balance is		$439,500 00
Which must be deducted from		$2,950,000 00
And balance is,		2,510,500 00
Which amount of $2,510,500 00 is still due on account of the loan.		
Add to this the amount due to the fund from the sinking fund, which will doubtless be paid by the first of January, 1843, in part, at least,		450,000 00
Add also to the amount due to the internal improvement fund from the Michigan state bank, (about)		350.090 00
		$3,310,500 00
Being amount still to be expended on works of internal improvement,		$3,310,500 00
Above, added to the amount received up to January 1, 1840, inclusive, makes up the whole sum of		5,000,000 00
The amount received up to January 1, 1840, inclusive, amounting to has been disposed of as follows:		$2,050,000 00
Expended on works of internal improvement,	$1,143,574 27	
Expended on improvement of saline springs,	18,000 00	
Loaned to sinking fund, per the account of state treasurer, November 30, 1839, to pay interest and commissions on the loan, up to January 1, 1840,	302,123 21	
do net amount on January 1, 1840, on account interest on loan, $150,000 00		
Less amount accruing on that day, 15,000 00		
	165,000 00	
do Morris canal company charges ½ per cent for 30 days' advance of $265,000 00,	1,325 00	
Deposited in Michigan state		
Carried forward,	$	$

Brought forward,			$
bank, (see treasurer's account, 1839,)		437,422 96	
do do bank of Michigan,		620 25	
Paid Prime, Ward & King's account,	$8,963 30		
Do John Delafield's account,	639 00		
Gov. Mason's expense in 1837,	$427 00		
do do 1838,	500 00		
	927 00		
Postage on bonds,	325 00		
Morris canal company's account for printing bonds, and other incidental charges,	1,070 01		
		11,924 31	
Total amount received and expended,			$2,050,000 00

Statement, showing the charges attending the negotiation, and the amount payable at the end of twenty-five years, and the yearly rate per cent, chargeable as interest and commissions on the five million loan, viz:

Morris canal company, 2½ per cent commission on $5,000,000 00,			$125,000 00
Prime, Ward & King's account,		$8,963 30	
John Delafield's account,		639 30	
Gov. Mason's expenses in 1837, $427			
do do do 1838, 500			
		927 00	
Morris canal company's account,		1,070 01	
Postage on bonds,		325 00	
			11,924 31
Loss of interest incurred by terms of the last negotiation with Morris canal company and U. S. bank, as per auditor general's report, folio 273, for the year 1839,			34,536 88
Morris canal company's claim of ½ per cent, for advancing $3,700,000 00 thirty days before the same falls due,			18,500 00
Carried forward,			$

	$	
Brought forward,		
25 years' interest on $5,000,000 00 at 6 per cent, per annum, is		7,500,000 00
Total amount which will have been paid at the end of 25 years, (when the principal will fall due) for interest, commissions, and incidental charges on same,		$7,689,961 19

Which is an average yearly payment of the sum of $307,-598 44, and 19-25 of a cent, and an average yearly rate per cent, of 6 15, 196 88-5,000,000 00 per cent, or 6 per cent, and about 1 80-100 mills per cent, or a little less than 6 cents and 2 mills on the dollar, per year.

Comparative statement of the sale of Michigan State stocks for the five million loan, and the sale of stocks of other states, showing the amount realized on the dollar in New York funds, during the periods commencing May 1, 1838, and ending January 1, 1840.

	Date of sale.	Par rate.	Commissions off.	Net.
Michigan state bonds,	May 1, 1838,	100	about 3 80-100	96 20-100
New York, Hudson and Erie railroad, do	Aug. 30, 1839,	100	average sale.	78
New York city water works stock,	Sept. "	100	"	97
Maryland stocks,	Nov. "	London, 100, sold at 75 cts.	exchange, say 9 per cent.	84
Ohio 6 per cents,	Jan. 1840,	100	deduct 10 per ct.	90
New York city 7 per cents,	" "	98		
Indiana 6 per cents,	" "	67		
Illinois,	1839,	60		
Arkansas payable in London—money received in New York,	May 1, 1838,	95 less ex. 9—84		
Kentucky stock, payable in London—money in New York,	May 1838,	96 less ex. 9—85		

Prices in New York, January 4, 1840.

Name of stock.	Prime, Ward & King's quotation, Jan. 3, 1840.		Christmas, Livingston & Prime's quotation, Jan. 2, 1840.
	Bid.	Asked.	
New York state 5 per cts. of 1845,	87½	90	
New York state 5 per cts. of 1846,	87½	90	
New York state 5 per cts. of 1849,	84	85	
New York state 5 per cts. of 1850,	86	89	
Ohio 6 per cts,	85½	86½	
Ohio 5 per cts,	75	80	
Illinois 6 per cts, of 1860,	60	70	
Mohawk railroad,	63	63½	62½ *a* 63
Patterson railroad,	46	47	
Boston and Providence railroad,	103		103 *a* 104
Harlem railroad,	49	49½	50 *a* 51
Utica and Syracuse railroad,	107	107½	107 *a* 108
Utica and Schenectady railroad,	120	122	120 *a* 122
Boston and Worcester railroad,	104		104 *a* 106
New Jersey railroad,	83½	84	84 *a* 85
Providence and Stonington railroad,	17½	17½	18 *a* 20
Long Island railroad,	52		52 *a* 53
Auburn and Rochester railroad,	48		50 *a* 60
Camdem and Amboy railroad,			about 104
Jamaica railroad,			about 100
New Orleans canal,			60 *a* 70
Delaware and Raritan canal,			about 104
Morris canal,			19 *a* 20

All of which is respectfully submitted.

REUBEN D. TURNER,
CHAS. G. HAMMOND,
Minority of the Committee.

[No. 58.]

Report of the Committee of Internal Improvement relative to the Maumee and Havre Branch Railroad.

OFFICE OF INTERNAL IMPROVEMENT,
Detroit, March 9, 1840.

To the Hon. the Speaker of the House of Representatives:

In compliance with a resolution of the house of representatives, requiring the board of internal improvement to report

"whether any communication has been received by said board or any of the commissioners, from the Ohio or Maumee branch railroad company in regard to the Havre branch railroad, also the distance from Monroe to Havre, and from Havre to Manhattan, and how much of the Maumee branch railroad is contracted, and what is the prospect of its completion," the undersigned have the honor respectfully to report:

That communications with them has been repeatedly had by individuals who were interested in the Maumee branch railroad in relation to the Havre branch railroad, both verbally and in writing. Hereunto annexed will be found copies of letters received from Frederick Wright, Esq., who has charge of the Maumee branch railroad.

The Havre branch road is enumerated among the works of internal improvement assumed by the state, in the first general legislative act on the subject, in the year 1837, at which time the sum of $2,000 was appropriated on the same, and soon after a survey and estimate was made, and propositions were received for constructing said railroad.

But for reasons which are given in a former report of the acting commissioner on the southern railroad, no contracts were ever closed for its construction, and the amount appropriated (with the exception of the cost of survey,) has not been expended.

At a session of the legislature of this state, in June, 1837, the Maumee branch railroad obtained the passage of an act authorizing them to connect with the Havre branch railroad, in the village of Havre, and to use said Havre branch railroad under such regulations, and for such tolls as should be established by the legislature. About that time, a company was organized, and commenced the construction of a railroad from Lower Sandusky to Manhattan. This portion of their work is now in course of vigorous prosecution, with every prospect of its completion during the approaching summer.

The Maumee branch railroad company, very soon after the passage of the act above mentioned in 1837, located their road from Manhattan to Havre, and put the same under contract, and commenced its construction with the expectation that the Havre branch road would be completed by this state, and afford them a communication from Havre, west to the Erie and Kalamazoo road. When it was ascertained that the work on the Havre branch road was not likely to be prosecuted, the Maumee branch company complained of injustice to them, asserting that they had relied upon the faith of the state to complete the Havre branch railroad, and had expended their money in anticipation of its completion, without which their investment would be unavailable.

An application was afterward made to the legislature of this

state to change the location of the Havre branch road, so as to run it to Monroe instead of connecting with the Erie and Kalamazoo road west of Havre.

The object of this proposition was to make this a connecting link in a continued chain of communication around the southern and western shores of lake Erie, and to secure, through the medium of several great works of a similar character then in progress, an uninterrupted communication with the Atlantic cities as well in winter as summer.

With this proposition, the Maumee branch company were anxious for a compliance, and repeatedly urged upon the acting commissioner of the southern railroad the importance of the object.

As many of the communications were verbal, the undersigned have it not in their power to lay before the house all the arguments used in urging so desirable an object. Heartily as the commissioners coincided in the importance of the project, the power to act was not with them but with the legislature. By the proposed continuous route, communication from the east would find its way, by the Ohio road above mentioned, from Lower Sandusky to Manhattan, from Manhattan to Havre by the Maumee branch, thence by the Havre branch to Monroe, thence, by a railroad now nearly completed, to Brest; from which place, by a road which might be readily constructed over a perfectly level country, a connection might be made by the central road at Dearbornville, a distance of only twenty-two miles, with Detroit. The Maumee branch road is all under contract, has been cleared and grubbed, and much of the timber for construction, is on the ground.

The company are understood to be ready to go on and complete the road whenever action on the part of Michigan, in reference to the Havre branch, shall promise the completion of the last mentioned road.

A very short time would suffice to finish it.

The distance from Monroe to Havre is twelve miles, but by connecting a railroad with the river Raisin and lake Erie railroad, now constructed from the city of Monroe to La Plaisance bay, about two miles of road on this route, might be saved.

The distance from Havre to Manhattan, is three and a half or four miles.

All which is respectfully submitted.

RIX ROBINSON,
L. S. HUMPHREY,
WM. R. THOMPSON.

Manhattan, Lucas Co., Ohio, Dec. 15, 1838.

L. S. HUMPHREY, *Esq.:*

DEAR SIR—In behalf of the railroad company, I write you to know what prospect there is of the Havre branch railroad being turned to Monroe, and whether the action of the legislature cannot be obtained, so that the work can be going on at the present favorable season. We have made a large expenditure on the faith of Michigan; yet if our work can be rendered available by an early connection with Monroe, it will be satisfactory to us.

Respectfully, your obedient servant,

(Signed,) FREDERICK WRIGHT.

Manhattan, February 24, 1839.

L. S. HUMPHREY, *Esq.:*

DEAR SIR—The Ohio railroad company having complied with all the requisitions of the law, granting the credit of the state to railroad companies, have at length obtained the state script for $50,000 00, and considering the present state of forwardness of the work, and the right of the company to further aid from the state, it is very probable the road will be built from this to Lower Sandusky, 29¼ miles by the close of navigation next fall.

The Toledo folks have given the stock of the Toledo and Michigan city railroad into the hands of M. F. Williams and Elisha Whittlesy, who have now gone east to get the stock taken, and I understand they expect to get aid from the Life and trust company of Ohio. Nothing will prevent the stock from being taken, and that road being built, but the speedy continuation of the Ohio railroad to connect with your southern road at Monroe, prompt and speedy action will prevent the building a powerful rival to your southern road. We are ready on our part to build the road to the state line.

Respectfully yours,

(Signed,) PLATT CARD.

L. S. HUMPHREY, *Esq., Monroe, Mich.*

Manhattan, March 5, 1839.

L. S. HUMPHREY, *Esq.:*

DEAR SIR—We have just received a communication from a member of the house at Detroit, on the subject of a junction of our railroad. He says that the state bank affair will preclude all possibility of effecting the object. We should regret very much such an event, for it would force us to seek some

other direction not so congenial to our wishes. The Havre road should be turned to Monroe at any rate, even if there should be no additional appropriation. But I doubt whether any action at all can be had on the subject.

We hope that Monroe will see her interest in urging the matter speedily forward.

Respectfully, your obedient servant,

(Signed,) FREDERICK WRIGHT.

—

Manhattan, April 7, 1839.

L. S. HUMPHREY, *Esq.:*

DEAR SIR—We hope our railroad matters will be so far perfected, that the Havre branch will be turned to Monroe, even should there be no further appropriation. The subject has been unreasonably deferred, but there is still time enough the present week, to effect a prospective junction of the Ohio and Michigan roads.

Respectfully, yours, &c.

(Signed,) FREDERICK WRIGHT

—

Manhattan, April 27, 1839.

LEVI S. HUMPHREY, *Esq.:*

DEAR SIR—Please inform me of the disposition of the Havre branch railroad. If it is favorable, we wish to make immediate arrangements to co-operate with Michigan; please drop a line by return of mail.

Respectfully, yours, &c.

(Signed,) FREDERICK WRIGHT.

—

Manhattan, Ohio, February 15, 1840.

To the Board of Internal Improvement, Michigan:

GENTLEMEN—It is the wish of the stockholders of the Maumee branch railroad company, whose interests I represent, to hold some correspondence with the authorities of Michigan, on the subject of railroad intercommunication.

It is undoubtedly well known to you, that the Maumee branch railroad, leads from this place to the state line at Havre and is intended as an outlet to the travel and business that will necessarily flow in from the Ohio railroad.

It is but four miles from this place to the state line, and the branch railroad is in such a state of forwardness that it can be easily completed in three months time. The progress of the Ohio railroad is such, that we are obliged to look for an

outlet which can be depended upon with some degree of certainty. If any co-operation is expected from us, we are desirous of becoming acquainted with the plans intended by Michigan.

The first division of the Ohio railroad, extending from lower Sandusky to this place, will be completed the present season, and the interest which Michigan has in effecting a connection is too apparent to need an argument.

We are in hopes that this subject will receive its proper consideration, and be presented to the legislature in an official form.

Respectfully, your obedient servant,

FREDERICK WRIGHT,

Treasurer Maumee Branch Railroad Company.

[No. 59.]

Report relative to University and School lands.

The committee on university and school lands, to whom was referred sundry petitions, praying for the reduction of the price of university and school lands, sold and unsold, also to whom was recommitted certain resolutions providing relief to certain settlers on the university lands, would respectfully report:

In relation to the propriety of reducing, at this time, the price of such university or school lands as have been sold, it is but just, to those immediately intrusted, to say, that since the time of the purchase of the lands in question, there has been a great depreciation in the current value of real estate, as well as other property, and that the same lands, if now put in market, would not probably sell at prices twenty-five per cent less, than the sums at which they have heretofore been sold; circumstances which operate injuriously upon the interests of the purchasers. But in the opinion of the committee, the evils referred to, are of such a nature as not properly to come within the the province of legislative remedies. Not to mention the effect which such a reduction, as prayed for, would have by way of detracting very considerably from the university and school fund, the propriety and even power of which may well be questioned. It is deemed unwise and impolitic, by legislative interference, to disturb and unsettle existing contracts. One act of relief, in a case of this nature, would lead to the anticipation of another—the feelings of the public, in relation to the sacredness and inviolability of con-

tracts, and the necessity of their fulfillment, would be greatly impared—results which your committee, cannot consistently with their sense of duty, help to produce. The individuals, in this case, are only suffering the evils which, in common with the citizens of the state generally, have accrued in connection with the peculiar embarrassment of the times; and to afford relief to them, without affording like relief to others in a similar situation, would be partial and improvident legislation.

But as regards a reduction of the price of the lands not sold, different premises exist and different conclusions may be formed. The present minimum price was fixed while property of all kinds demanded and brought a high price, and although the present prices of property are very much depressed, and form a very imperfect criterion for the future and permanent value of property, yet, upon a retrospective view of the monetary affairs of the country, as connected with the operation of the same upon the value of property, it may be safely advanced, that the minimum price of twenty dollars per acre for university lands—they bring in a state of nature—aside from some few peculiar locations, is higher than it is reasonable to think they can be sold for, under the most favorable circumstances that the future may afford. Twenty dollars per acre, in ordinary times, is as high as the avarage price for cultivated farms in good farming districts, throughout the country; and it is superfluous to dwell upon the great difference between the value of unimproved lands, and those which are cultivated, with fences, fruit trees and buildings, &c., thereon. In forming an opinion on the subject, your committee have not overlooked the fact that no particular necessity exists at present for raising funds to meet the wants of the university, and that no detraction in the shape of a tax will impair the interest in the land, if not sold. But in view of all the circumstances bearing upon the case, and in connection with a suitable regard for the future wants of the university, your committee are of the opinion, that a proper reduction of the price of university lands, graduated upon a scale in accordance with their relative value, to be regulated by a judicious classification of the same, is justifiable and called for.

Connected with this subject, may that of affording relief to settlers on the university lands, be also treated. Assuming the fact, that the settlers were on the land at the time they were selected and confirmed to this state, for the use and benefit of the university of Michigan, in good faith, under the justifiable expectation of eventually obtaining the same at government price by virtue of a pre-emption law; it may be concluded that their condition is different from that of a naked trespasser. Not that they have any legal right in the matter, but the circumstances in their case, in the opinion of your commit-

tee, warrant a favorable action on the part of the legislature towards those who have been so unfortunate as thus to locate on land taken for the use of the university. But the most formidable difficulty that presents itself in carrying out these, or any views or measures of relief to the settler in the premises, which shall intrench upon these lands or the avails thereof, is the peculiar manner in which these lands are situated. They were granted by the general government for the exclusive purpose of providing a fund for the benefit of education in Michigan, to build up and sustain an university in this state for the benefit of this and future generations; affording in the grant, by a legitimate and provident management of the same, most ample means to accomplish the end contemplated by the donation. The state itself, and all concerned in the management and control of these lands, are but trustees, and no perversion or intrenchment of the fund, growing out of the sales of these lands, for any other than the purposes of education, can be tolerated, consistent with a just execution of the power contained in the grant.

With these views, and in consideration of the benefits to the state, and particularly those citizens who have settled adjacent to the lands, resulting, if they are sold from their permanent settlement by those who will aid in the improvements and burthens necessary to be made and borne in a new state; and not least, for the purpose of finally quieting and settling the feelings and questions which have so long agitated, and which will otherwise undoubtedly continue long to agitate the public and the legislature on this subject, your committee have thought proper to introduce a bill, the object of which, is to settle equitably, the vexed matters embraced in this subject. The minimum price of school lands, it has not been thought proper, at this time, to recommend an alteration of.

All of which is respectfully submitted.

GROVE SPENCER, *Chairman.*

[No. 60.]

Report of the Majority of the Committee on the Five Million Loan.

The select committee, appointed by the House of Representatives, to act upon the following resolutions, to wit:

"*Resolved*, That the select committee to whom was referred a resolution respecting the five million loan, be discharged from the consideration of the same, and examine and report upon the following:

"*First.* What amount was, by the terms of said loan, receivable by the state, and the time when the same was payable?

"*Second.* What amounts have been so received, and when?

"*Third.* What sums have been expended, and for what purposes?

"*Fourth.* The amount still due and receivable, when payable, and by whom?

"*Fifth.* What amounts are appropriated which are still unexpended, and by the existing laws, a charge upon the amount still due and to become due?

"*Sixth.* And also to inquire into the expediency of canceling the bonds for that portion of the loan which remains unpaid, if that be practicable, or of otherwise disposing of it, vesting such committee with power to send for persons and papers."

Having discharged the duty assigned them, (as far as practicable,) your committee beg leave to submit the following report:

That the result of their investigation touching the first clause of the resolution submitted to them, shows that the net amount accruing to the state from their bonds of five millions of dollars, (after deducting the commissions, expenses, interest, &c., chargeable upon the same,) is $4,032,566 82, the particular features of which will be found in the accompanying document, (*A.*)

That the result of their investigation touching the second clause of the resolution in question, shows that the amount already received by the state, after deducting the amounts paid for commissions, and other items paid in connection with the negotiation of the same, is $1,522,066 82, and this is up to and embracing the January instalment, the particulars of which will be found in the accompanying schedule, (*B.*)

That the subject matter embraced in the third clause, is of such a nature as to place it entirely out of the power of your committee to ascertain, inasmuch as no account has been kept by any of the departments of the government of a nature to exhibit the same, but your committee would state that provision is now made by which the auditor general will so systematize his branch of the state business, as to enable that department hereafter to furnish the information sought for by the clause here refered to. This, however, is a duty of such a nature embracing so broad and extensive grounds, as to render it entirely out of the power of your committee to procure it the present session.

That the result of their investigation of the subject matter embraced in the fourth clause of the resolution in question shows that the amount still due and receivable, and by whom,

is $2,510,500 00. That of this amount $627,625 00, is due from the Morris canal and banking company, and the remainder, viz: $1,882,875 00, is due by the United States bank of Pennsylvania; for particulars, your committee would refer to the accompanying document, (*C.*)

That in answer to the fifth clause: "what amounts are appropriated which are still unexpended," your committee would state, that the whole amount of appropriations made, applicable to the five million loan, is $2,118,000 00; of this amount, $1,622,913 83 has been expended, leaving a balance of appropriations unexpended, of $495,086 17. This amount is made up of the following items, viz: on the central railroad, $60,293 62; on the southern railroad, $46,551 98; on the northern railroad, $86,339 10; on the Clinton canal, $163,136 58; on the Saginaw canal, $28,626 99; on the Sault de Ste Marie canal, $46,988 74; on the canal around the rapids of Grand river, $24,869 47; on the improvement of Grand and Maple rivers, $8,662 88; on the improvement of Kalamazoo river, $2,913 07; on the improvement of the state salt springs, $; on the improvement of the Havre branch railroad, $19,300 62; from which sums, (in order to give the aggregate amount,) deduct the sum of $17,596 92, being an excess over the amount appropriated for surveys and instruments, and for a particular statement of the items on which the foregoing is based, reference may be had to the accompanying document, (*D.*)

Your committee have reflected upon the last clause of the resolution, submitted to them, touching the canceling of the outstanding bonds unapplied, and in coming to a conclusion on this point, the following facts have presented themselves:

First. That the state now owes $455,450, as far as ascertained; which sum is chargeable to the loan in question, and which, when deducted from the outstanding instalments, will leave a balance of $2,055,050 00, in addition to which your committee have reason to believe that there will be found, upon investigation, a considerable amount of claims not included in the foregoing. Your committee would state, that the contracts reported by the commissioners as outstanding and chargeable against the state, amount to $423,192 00, which go to lessen the amount still more. For particulars, see accompanying document, (*E.*) together with a communication from the auditor general.

That out of the large amount of this loan already consumed, there is but about $400,000 00 (unless further appropriations be made,) that may be considered as available to the state; the residue being scattered almost to the four winds of heaven —including the sums paid out for commissions, loss of interest, charges and other expenses, or expended upon works that can-

not be expected to yield any revenue to the state, with which to meet any portion of the interest on this loan. That unless some mode is adopted by which to invest the balance yet to become due, (after deducting our present indebtedness,) with a view to immediate availability, direct taxation must be resorted to in order to save, inviolate, the credit and honor of the state. These are no idle fictions—they are stern and incontrovertible realities—and are not submitted to you as the offspring of any overwrought imagination, but based upon the facts as they exist. The question, then, may well be asked, where is the remedy? What mode can be adopted that would best tend to meet the case? that will stay the awful calamity which is brooding over our young and enterprising state? These are serious and important questions that lead to fearful and gloomy reflections and anticipations, and come home to the dwelling of every inhabitant within our borders; and well might every tax payer in Michigan exclaim, as did the trembling jailor of old: "what must we do to be saved?"

In discharge of the duty assigned them, your committee would have been pleased, did the facts justify it, to have submitted a more favorable report; but dark and unwelcome as the picture must be, it is presented to you in its true colors.

Governed by the considerations here set forth, your committee would recommend, *that the outstanding bonds, or any portion of them, be not canceled*, and would submit to you the suggestion, whether or no, provision might not be made by which to establish a state bank on sure and correct principles, making the outstanding balance of the "five million loan," after deducting existing debts, a basis for its operation. By this means a revenue would be derived that would go far towards paying the interest on the loan, thereby averting the extreme distress and other evils that would naturally grow out of a direct taxation, which, in the opinion of your committee, must otherwise inevitably be the case, and which, there is every reason to fear, must be the result, to some extent, under the most favorable circumstances. Another object of great importance would be attained by this project, that of a safe and permanent currency. But as this may be deemed irrelevent to the subject committed to them, your committee will not dwell on the many advantages which the state would derive from such a measure, but would respectfully recommend that a committee of be appointed, whose duty it shpll be to examine into and report without delay, the practicability and policy of a measure of this kind.

All of which is respectfully submitted.

ANDREW T. M'REYNOLDS,
T. P. TUCKER,
H. B. LATHROP.

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(B.)

What amounts have been so received, and when.

Date.	Explanation.	Amount received
1837.		
Jan. 7,	Gov. Mason's two drafts on New York,	$150,000 00
8,	Received at sundry times from Oliver Newberry,	200,000 00
June16,	Received of Gov. Mason,	20,000 00
July 11,	Deposited in New York, credit internal improvement fund,	80,000 00
Aug. 1,	Gov. Mason's draft on Morris canal and banking company, (at ninety days,)	250,000 00
Sept. 1,	do do	100,000 00
Oct. 1,	do do	100,000 00
Nov. 1,	do do	100,000 00
Dec. 1,	do do	100,000 00
12,	Bills received of Morris canal and banking company, on January payment,	100,000 00
	Draft, check and bank bills received of Morris canal and banking company,	100,000 00
		$1,300,000 00
1839.		
July 1,	First instalment on bonds for $3,700,000 00, $257,500 00, less six months' interest paid on loan, $150,000 00	107,500 00
Oct. 1,	Second instalment of same, received,	261,250 00
1840.		
Jan. 1,	Third instalment of same, received, $265,000 00, less six months' interest on loan $150,000 00,	115,000 00
		$1,783,750 00
From which in order to show the net amount received by the state, up to Jan. 1, 1840, deduct expenses, commissions, &c., attending same, (*See Doc. A.*)		261,683 18
Net amount already received out of five million loan, up to and including instalment due 1st		
	Carried forward,	$

	$
Brought forward, January, 1840,	1,522,066 82
Explanation in proof.	
Net amount as above carried down,	1,522,066 82
Net amount still accruing to the state from five million loan, (*See Doc. C.*)	2,510,500 00
Total amount, (*See Doc. A.*)	$4,032,566 82

(C.)

The amount still due and receivable, when, and by whom.

Date.	Explanation.	Total amount.	Total amount.	Due by Morris canal bank.	Due by Bank United States.
1840. April 1,	Instalment due this day,	$250,000 00			
	Add 15 months' interest,	18,750 00			
			$268,750 00	$67,187 50	$201,562 50
" July 1,	Instalment due this day,	250,000 00			
	Add 18 months' interest,	22,500 00			
		272,500 00			
	Less 6 months' int. on loan,	150,000 00			
			122,500 00	30,625 00	91,875 00
" Oct. 1,	Instalment due this day,	250,000 00			
	Add 21 months' interest,	26,250 00			
			276,250 00	69,062 50	207,187 50
1841. Jan. 1,	Instalment due this day,	250,000 00			
	Add 24 months' interest,	30,000 00			
		280,000 00			
	Less 6 months' int. on loan,	150,000 00			
			130,000 00	32,500 00	97,500 00
" April 1,	Instalment due this day,	250,000 00			
	Carried forward,	$	$	$	$

Continued.

Date.	Explanation.	Total amount.	Total amount.	Due by Morris canal bank.	Due by Bank United States.
	Brought forward,	$	$	$	$
1841. April 1,	Add 27 months' interest,	33,750 00	283,750 00	70,937 50	212,812 50
" July 1,	Instalment due this day,	250,000 00			
	Add 30 months' interest,	37,500 00			
		287,500 00			
	Less 6 months' int. on loan,	150,000 00	137,500 00	34,375 00	103,125 00
" Oct. 1,	Instalment due this day,	250,000 00			
	Add 33 months' interest,	41,250 00	291,250 00	72,812 50	218,437 50
1842. Jan. 1,	Instalment due this day,	250,000 00			
	Add 36 months' interest,	45,000 00			
		295,000 00			
	Less 6 months' int. on loan,	150,000 00	145,000 00	36,250 00	108,750 00
" April 1,	Instalment due this day,	250,000 00			
	Add 39 months' interest,	48,750 00	298,750 00	74,687 50	224,062 50

" July 1,	Instalment due this day,	250,000 00			
	Add 42 months' interest,	52,500 00			
		302,500 00			
	Deduct 6 m's. int. on loan,	150,000 00			
			152,500 00	38,125 00	114,375 00
" Oct. 1,	Instalment due this day,	250,000 00			
	Add 45 months' interest,	56,250 00			
			306,250 00	76,562 50	229,687 50
1843. Jan. 1,	Instalment due this day,	200,000 00			
	Add 48 months' interest,	48,000 00			
		248,000 00			
	Deduct 6 mo's. int. on loan,	150,000 00			
			98,000 00	24,500 00	73,500 00
Net amount yet due the state by M. C. & U. S. bank,			$2,510,500 00	$627,625 00	$1,882,875 00

(D.)

Statement of appropriations, and expenditure therefrom, on the several works of Internal Improvement.

Works.	Total appropriations.	Expenditures audited March 1, 1840	Unexpended appropriations.
Central railroad,	$855,000 00	$794,706 31	$60,293 69
Southern railroad,	550,000 00	503,448 02	46,551 98
Northern railroad,	150,000 00	63,660 90	86,339 10
Clinton canal,	305,000 00	141,863 42	163,136 58
Saginaw canal,	62,000 00	33,373 01	28,626 99
Sault de Ste Marie canal,	50,000 00	3,011 26	46,988 74
Canal around the rapids of Grand river,	25,000 00	130 53	24,869 47
Improvement of Grand and Maple rivers,	30,000 00	21,337 15	8,662 85
" Kalamazoo river,	8,000 00	5,086 93	2,913 07
" St. Joseph river,	25,000 00		25,000 00
" State salt springs,	18,000 00	18,000 00	
Havre branch railroad,	20,000 00	699 38	19,300 62
			$512,683 09
Surveys and instruments,	20,000 00	37,596 92	excess 17,596 92
	$2,118,000 00	$1,622,913 83	$495,086 17

Note.—The amount under the head of expenditures, embraces all claims audited up to the 1st of March, leaving an amount still outstanding, and a charge against the state treasury of $, and payable out of the instalments of the five million loan not yet due.

(E.)

The following exhibits the amount of indebtedness of the state, chargeable to the coming instalments of the five million loan, viz:

Warrants out and unpaid,	$275,450 00
Due on iron contract,	80,000 00
Appropriations for state expenses,	100,000 00
	$455,450 00

Its means to pay this, provided the bill now before the senate becomes a law, is as follows, presuming that the amounts due by the Morris canal company be paid:

The April instalment,		$268,750 00
July do	$272,500 00	
Less six months' interest on loan,	150,000 00	
		122,500 00
		$391,250 00

This amount deducted from the foregoing amount, will show that there will still be a balance due to claimants of the state, after consuming the April and July instalments, of $64,200 00, which amount must be advanced by the banks, if they should accept the terms of the bill alluded to, out of the October instalment. This is on the presumption, however, that the instalment due from the Morris canal company, will be promptly met, which, from circumstances recently transpired, there is every reason to fear, will not be the case. *In this event*, the following statement will show the true position which we occupy, viz:

Indebtedness of the state, as in the preceding statement,			$455,450 00
Its means with which to pay the same, viz:			
The April instalment due by United States bank,		$201,562 50	
July do	do	91,875 00	
October do	do	207,187 50	
Jan. '41, do	do after deducting interest payable, &c.,	97,500 00	
			598,125 00
Leaving an amount to meet claims not yet audited,			$142,675 00

It will be seen that this will consume all instalments due from the United States bank, up to and including January, 1841.

Amount with which to meet claims not yet audited, after deducting the January, 1841, instalment, as per preceding statement,	$142,675 00
These claims are large, and cannot be ascertained in any other mode than to submit the amount of contracts, which we do, viz: outstanding contracts, as reported by the commissioners,	423,192 00
Leaving a *balance which must be* met by the state, of	280,517 00

Note.—This will consume the whole of the April instalment of 1841, say $212,812 50, as due from that institution, and $67,694 50 out of the instalment due by the same, 1st July, 1841, thereby consuming the whole of the July instalment of 1841, after paying the interest on the loan due that day, save and except the sum of $35,420 50. It will be remembered, that no notice has here been taken of interest payable by the state on bonds issued by private companies, which, if included, would absorb the whole of the balance of the July instalment, to meet which, either the balance alluded to must be applied, or resort had to direct taxation.

Communication from E. P. HASTINGS, *Esq., Auditor General.*

AUDITOR GENERAL'S OFFICE,
Detroit, March 9, 1840.

DEAR SIR—I hand you a sheet containing the amount of warrants outstanding and unpaid at this moment, and have added some *calculations* as to the amount of payments hereafter to be made. The result is, that the state will need, in order to discharge its debts, the entire amount of the first three instalments, with nearly the whole of the fourth.

It is impossible to ascertain precisely the amount due by the state, but I am inclined to the opinion that the four instalments ending with that of January, will be needed to clear the state of debt.

In haste, yours, truly,

E. P. HASTINGS,
Auditor General.

[No. 61.]

Report of the Select Committee to whom were referred the several petitions of sundry inhabitants of this state praying the suppression of the traffic in intoxicating drinks.

The select committee to whom was referred sundry petitions of inhabitants of this state, praying for the suppression of the sale of all intoxicating drinks, having had the same under consideration, would respectfully report:

No subject, as your committee conceive, presents higher claims to the favorable consideration of this body than that which constitutes the burthen of these petitions. Even the pecuniary distress which so generally prevails, and from which all eyes are turned to us for relief, is not more deserving our attention than this subject. Indeed, the relief sought by these petitioners, if granted, would contribute more, perhaps, towards relieving the community from its pecuniary burdens, than any other single legislative expedient which could be devised.

From data on which reliance can be placed, it is estimated that the amount expended annually for intoxicating drinks, in this state alone, is not less than two millions of dollars; a sum equal to two-thirds the present estimated value of the whole wheat crop of Michigan the last year; and probably equal to four times the amount of all taxes of every description in the state, during the same time.

Add to this the value of the time squandered, of losses occasioned by land and water by the use of intoxicating drinks, and the entire amount may be set down at four millions of dollars, a sum sufficient to relieve us from all our pecuniary embarrassments. And besides, no small portion of the taxes of the state (which are so distressing as to be deemed worthy of legislative interposition,) were occasioned directly by the traffic.

It has been established by well attested facts, that at least four-fifths of the poor tax, and about the same proportion of all the costs of criminal prosecutions, are thus occasioned.

Considered in a pecuniary point of view, then, is not this a subject deserving the grave consideration of this body?

But when we look at the subject in another of its aspects; when we contemplate the domestic wretchedness which is occasioned by the traffic; when we see those among us who would otherwise have been valuable citizens and ornaments of society thus transformed into nuisances, alike the terror and the disgust of all around them, while their families are transferred from their abodes of comfort, to an abode of want and suffering. When we consider, that this is the result of the traffic,

always and every where; and when we consider further, that it is the highest interest of those engaged in it to produce this state of things, to the greatest possible extent around them, how vastly does the importance of this subject rise in the magnitude before us, and how greatly increased are its claims to the consideration of this body?

But if there were any benefit resulting from the traffic, to offset against the evils it inflicts upon the community, there would seem to be some palliation of the evil. But there is no bright spot to relieve the dark shade of the picture. Thousands of physicians of the highest respectability, have testified that the use of intoxicating drinks is never beneficial, but always hurtful to persons in health. The trifling sum received for licenses, does not deserve to be named in this connection. Formerly, the subject was not so understood. It was thought in all honesty, that the use of intoxicating drinks was beneficial to mankind, and to guard against what was considered their abuse, legislatures undertook to regulate the traffic in them, by permitting only a definite number to engage in it, and that number to be determined by a regard to the "public good."

The design was a benevolent one, but being based upon a false assumption of facts, the system, instead of proving a blessing, has been productive of incalculable mischiefs to mankind.

And now, since the grand discovery has been made, that all use of such drinks, as a beverage, *is an abuse* of them; should not the same benevolence, the same regard to "the public good," which led the legislators of former years to regulate the traffic, and confine it to the few, lead us to suppress it entirely? As the matter now stands, this body sustains the responsibility of sanctioning all the mischiefs of the system, of throwing around it the sanctity of law, and thus shielding it from merited infamy.

The responsibility of licensing men at second hand, to spread fireside desolations all around them; and that for pay—is it nothing to us, that this responsibility is upon us?

It is objected, that suppressing the traffic by legislative enactment, would be compelling men to be moral, which is always odious, and savors of church and state.

In reply, we would inquire whether the same objection may not be made against nearly every law upon our statute book?

What is the design of laws, for the punishment of murder and theft, if it be not to compel men to be moral?

Is it here asserted, that the taking of the life or the property of another, violates every fundamental and constitutional law?

May we not reply, that the same constitution which guarantees the enjoyment of life and property, also recognizes in the same terms, the sacred attribute of happiness? Need we in-

quire whether there is any violation of this last constitutional right in depriving the husband, the father, the son or the brother of not only property, but reason, in transforming the man into a brute, a maniac, a demon, and often the destroyer of life? Is there here no interfering with the sacred rights of another?

Is it objected that such a law would conflict with the private rights of individuals, to buy and sell as they please? But in restraining the traffic to a few, does not the law as effectually interfere with the private rights of the rest of community, to buy and sell as they please, as it would with the rights of these few, if the traffic were entirely suppressed, or are these few the only men who have rights? And besides, this giving up of private rights so far as they come in conflict with the general good, is the very principle which holds society together, and without which, society could never have existed.

This is the reason why innumerable private rights are surrendered by every member of civilized society, and we choose rather to suffer the deprivation, than that society should be dissolved into its original elements, as it would soon be, by carrying out the contrary principles. The surrender we thus make, is the price we pay for the protection of law.

And what is the great aim of all legislation? Is it not the protection of property and life, of the public health, and the public morals; and must we exclude from the list, the individual right of the enjoyment of happiness? Must not these objects be secured, at whatever sacrifice of private interest?

Suppose a petition were to come up to this body for the abatement of a public nuisance which was spreading terror and death through a whole neighborhood; should we stop to inquire what private interests would be sacrificed, if the nuisance were abated? or should we be governed solely by a regard to the public good?

But what are nuisances of this kind in their effects on property, health and life, compared with the effects of the traffic in question?

Nay, what public scourge can be named which spreads desolation and death through so many families as the traffic in intoxicating drinks? Shall we not then, as being under the most solemn obligation to legislate for the protection of property and life, of the public health and the public morals, and also the individual rights of "happiness," listen to the prayer of these petitioners, for protection for themselves and their children, their neighbors, friends and fellow citizens, against the inflictions of this dreadful scourge? A prayer in which the whole phalanx of broken hearted wives and desolate widows, with all their half famished little ones crying for bread, (made such for the benefit of the retailer,) most cordially unite. And even the poor drunkard himself, could he unbosom his heart,

would entreat you to have mercy upon him, and remove a temptation, against which he has no power of resistance. In several other states, matters are fast coming to this result. In Massachusetts, it is true, a temporary reversal of the prospects of the cause, has of late been experienced, but in one or two other states, prohibitory laws are in wholesome operation, and in others still, it is believed, similar laws will soon be enacted.

Your committee cannot forbear to express the hope, that the time will soon come when the public voice will be so loud and united, that some wholesome legislation will be the result, and thus our beautiful state be saved from the scourge they are now called on to deplore. But in a free government, all enactments which are not sustained by a correct public opinion, are a mere nullity, if not worse. The petitions referred to your committee, are many, having thereon nearly one thousand names, besides a number of memorials and resolutions of some temperance societies in their united capacity, all entreating that our statute book may not longer sanction the daily commissions of crime, lead us to hope and believe, that the time is near at hand when our legislators will respond to their wishes, with the full assurance that their prohibitory acts will be sustained by the united and irresistible energy of our whole community.

Your committee would now recommend the adoption of this report as the opinion of this house, and ask to be discharged from the further consideration of the subject.

M. KENNY,
Chairman Select Committee.

[No. 62.]

Resolutions reported by the Majority of the Select Committee on the New Jersey election.

Whereas, The state of New Jersey, in common with her sister states, became a party to the Union, created by the constitution of the United States, upon the express condition, that she should at all times be entitled to a representation in the congress of the United States, in proportion to her population, and by the laws passed in pursuance of that constitution, she is now entitled to six representatives; *and whereas*, the constitution declares that the times, places and manner of holding elections for representatives to congress, shall be prescribed in each state by the legislature thereof, until congress shall alter

such regulations; *and whereas*, five of the representatives of the state of New Jersey, to the congress of the United States, elected in accordance with the provisions of existing laws in that state, and bearing a commission granted by the governor, under the great seal of the state, appeared at the time and place prescribed by law for the meeting of that congress, and produced their commissions, as such representatives, and claimed the right to unite with the representatives of other states of the Union, in forming and organizing the house of representatives of the congress of the United States, and were prevented by the acts of a majority of those representatives, from exercising that right, are still excluded from any participation in their proceedings and deliberations; therefore,

Be it resolved, by the Senate and House of Representatives of the State of Michigan, That the acts of a portion of the representatives from the several states, by which five of the persons who were duly commissioned under the great seal of the state of New Jersey, as her representatives in the twenty-sixth congress of the United States, were prevented from exercising their rights, and performing their duties as such representatives, were not only a palpable violation of the constitution, and a gross outrage upon the rights of the people of New Jersey, but constitute a precedent replete with danger to the interest, safety and permanency of the Union.

Be it further resolved, That in the name, and in behalf of the people of the state of Michigan, we do hereby most *solemnly* PROTEST against these acts, as unconstitutional, unwarranted and unjust, and against the enactment of any laws, by the remaining representatives of the several states, until the people of New Jersey, through their duly commissioned representatives, shall have been restored to the rights of which they have been arbitrarily and wrongfully deprived.

And be it further resolved, That the governor of this state be requested to transmit copies of the foregoing resolutions to the governor of the state of New Jersey, and also to our senators and representative in congress, with a request that they will present the same to congress.

[No. 63.]

Report of the Select Committee appointed to inquire into the situation of the $40,000 appropriated for building the state prison.

The select committee, to whom was referred the following resolution :

Resolved, That a select committee of three be appointed, whose duty it shall be to inquire into the situation of the loan of $40,000, authorized by the law of April 19, 1839, "supplementary to the law authorizing the building of the state penitentiary," and to report to this house how much of said loan has been received, how much expended, and the situation of the balance of said loan, and the time when it will probably be received, and that the committee have power to send for persons and papers."

Have had the same under consideration, and ask leave to make the following report:

That they have ascertained that the bonds authorized by the law referred to, were sold by governor Mason, to William Ford & Son, who by the terms of the contract of sale, were to make for them, eight monthly instalments of $5,000 each, commencing on the first day of July last. Your committee have farther ascertained, that in pursuance of said contract, there has been paid into the state treasury, the sum of $14,652 82, and that a further sum of about $900, has been paid to the building commissioner, but not yet endorsed on their bonds, making the amount received up to this time, $15,552 82. It further appears, by the testimony of J. H. Titus, building commissioner of the state prison, that said Fords have an equitable claim against the state, for house built by them under a contract with B. Porter, the former building commissioner of the state prison, for about the sum of $1,450 00, by the allowance of which, the amount received will be increased to the sum of $17,002 82; leaving a balance now due the state, of $22,997 18, with interest from the first day of July last. It will be seen, that by the terms of the contract, the last payment was due on the first day of February last. So much for the first part of the resolution.

In regard to the second proposition, "how much has been expended," your committee would further report, that by the testimony of J. H. Titus, commissioner, there has been expended on said prison, the whole amount received, being $15,552-82, and that in the prosecution of said work, there has been a further indebtedness incurred of about $12,000, for which, there is at this time no adequate provision for paying. That these debts were incurred in good faith, in the expectation that the payments of Messrs. Ford & Son, although delayed for a time, would yet be received in time to render unnecessary any demand upon any other source for their payment; but owing to the continued delay, that there is at this time an absolute necessity for their early liquidation. With these views, your committee will offer a joint resolution, for the consideration of the legislature, directing the auditor general to settle and pay such demands.

Again, as to "the present situation of said loan," it will be seen by the foregoing, that the whole amount of said loan has been some time due; and your committee would further state, that a suit has been commenced, by the attorney general, some time about the first of December last, against Ford & Son, by attachment, for the recovery of the balance due the state for the bonds sold, and that considerable property has been levied upon, but that nearly or quite all of which was previously incumbered, and what may be the value of the property levied upon, over and above the incumbrance, the attorney general could not say, but from the universal depression of real estate since the time said property was so incumbered, your committee feel justified in saying, that there is good reason to doubt the sufficiency of the securities thus obtained. At the time of making the contract with the Fords, governor Mason took a bond, with personal securities, that it is believed will be ultimately sufficient to meet any deficiency that may exist after said Fords' property has been exhausted.

There is one thing more enjoined upon your committee, viz: to inquire "when the balance of said loan will probably be received?" From the best information your committee could obtain, they are led to the conclusion that no part of it will be received until coerced by due course of law, unless some amicable arrangement could be entered into, by which the Fords could be induced to fulfill the bargain, in part, and return a portion of the state bonds.

The reasons which lead your committee to these conclusions, are briefly these: By the attorney general, we are informed that the suit that is now commenced, will probably lead to the obtaining a judgment some time in November, 1841, the execution on which will be returnable the April following, which, if not satisfied, there will then be entered, a judgment against the sureties on the bond, and an execution issue, returnable the next November, being 1842, and that there will be, by law, two years redemption for the property sold—so that the soonest, your committee believe, that any certainty can be had of the receipt of the money will be in November, 1844, four years from next November, from which consideration, your committee feel bound to bring to the notice of the legislature, an informal proposition of W. Budington, confidential clerk and agent of Ford & Son, in the following letter read from him since this committee was raised, and believing, as your committee do, that better terms can be had, by authorizing some officer of the state to settle with said Fords, than by the continuance of the suit against them, they have concluded to submit the following joint resolutions, for the action of this legislature:

Resolved, by the Senate and House of Representatives of the

State of Michigan, That the auditor general be, and he is hereby, authorized and directed to audit and settle the claims of all persons for materials furnished and labor performed for the construction of the state prison, since the twenty-fourth day of June, one thousand eight hundred and thirty-nine, and that he be directed to draw his warrant on the treasurer for such sums as he shall find to be due the respective individuals: *Provided*, no claim shall be so allowed without being first certified by the building commissioner, that it is correct.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the auditor general of this state be, and he is hereby, authorized to settle the claim of the state against W. Ford & Son, on account of the contract entered into with them by governor Mason, for the payment of forty thousand dollars, for that amount of state bonds, sold to said Ford & Son, in such manner as he may deem for the best interest of the state.

All which is respectfully submitted.

H. B. LATHROP,
C. P. BUSH,
JAMES B. LARUE,
Committee.

The communication referred to in the foregoing report.

Jackson, 14*th March*, 1840.

DEAR SIR—Yours of yesterday has just been received, and as it is utterly impossible for me to leave home so soon as you mention, I have concluded to trouble you with an answer. My object in mentioning the subject of the bonds, was merely to get the affair so arranged, before the legislature adjourned, that W. Ford & Son could have the privilege of returning to the state, say $15,000, provided they were willing, and could do so.

I do not consider myself authorized to make any definite arrangement, but wish to know whether or not it could be done, and I think it is quite probable that they can and are willing to make such an arrangement, as I am sensible it is the better course, perhaps, for both parties. Could not the legislature give some one of the state officers the authority to receive and cancel that amount of the bonds, if returned in a reasonable length of time? I shall write to Mr. W. Ford on the subject, and I am of the opinion that he will be disposed to arrange it in that way? If this plan can be adopted, will you say what you can, consistently, in its favor? I shall use my endeavors

to have the affair amicably arranged, which I think is much the better way; although, thus far, it has been a hard bargain for F. & Son.

Respectfully, yours,

W. BUDINGTON.

Hon. H. B. LATHROP, *Detroit.*

[No. 64.]

Special Message.

To the Senate and House of Representatives:

Next to that course of legislation, the tendency of which, may be to foster our love of country, and to preserve and invigorate whatsoever may be pure and praiseworthy in the moral sentiments of the community, I know of nothing more practically useful in free governments than a habit of a vigilant watchfulness over the public finances, and a periodical and scrutinizing investigation, by the legislature, of the public accounts. It was doubtless under a full sense of the importance of this general proposition, that the people of Michigan have caused to be inserted in our fundamental law, the fourth section of the twelfth article of our constitution. That section provides, among other things, "that an *accurate* statement of the receipts and expenditures shall be attached to, and published with the laws annually." Our constituents, gentlemen, have a *right* to expect that this provision in their constitution should be complied with, both literally and in its spirit. Has that expectation ever hitherto, been properly realized? Until this last year, I cannot perceive that the slightest regard has been paid to it. The journals of the last session will show that this matter was brought to the consideration of the legislature, and that reiterated attempts were made to enforce the spirit and object of that provision; with what success, it is for the selected agents of the people to judge. The voluminous report of the auditor general was so published. It was substituted in lieu of an accurate exposition of the financial concerns of the state, prepared under the immediate control and direction of the legislature itself. But does such an exhibit satisfy the just meaning and object of that clause of the constitution, to which I have alluded? It seems to me, that it does not; and that nothing short of a statement prepared with diligence and great care by a joint committee, or a committee of one of the two houses, and brought by such committee to the direct view, and

for the entire sanction of both branches of the legislature, would meet this positive requisition of our fundamental law.

Influenced by such considerations, I now respectfully solicit the attention of the legislature to the matter; and feeling assured that all aid possible, to facilitate the attainment of the object, will be furnished by the fiscal officers of the government, I venture to recommend that the preliminary investigations be commenced at an early day, and that a clear, plain and accurate exposition of the present pecuniary condition of the state, (comprising an account of the receipts and disbursements,) be prepared for publication with the laws of the present legislature, in conformity with the spirit and meaning of that clause in the constitution, to which I have made allusion.

WM. WOODBRIDGE.

Executive Office, March 14, 1840.

[No. 65.]

Report of the Minority of the Select Committee on the New Jersey election.

The minority of the select committee to whom was referred the special message of the governor relative to the late election for representatives in congress, within, and for the state of New Jersey, together with the documents and joint resolutions from the said state, respectfully beg leave to report the following preamble and resolutions, as declaratory of their views upon the facts connected with that subject.

All which is respectfully submitted.

D. V. BELL,
D. C. WALKER.

Preamble and joint resolutions.

Whereas, by the constitution of the United States, the several states are empowered to prescribe and regulate the time, places and manner of holding elections for senators and representatives in the congress of the United States, and the same instrument further provides that the representatives from the several states, who compose the popular branch of the congress, shall be elected by the *people* of those states:

And whereas, by a legislative enactment, in conformity to the powers above enumerated and conferred by the constitution, the state of New Jersey did prescribe the time, places and manner of holding elections for representatives in congress from that state:

And whereas, the people of said state did, in obedience to the requirements of said enactment, elect by a majority of all the lawful voters of said state, Peter D. Vroom, William R. Cooper, Philemon Dickerson, Daniel B. Ryall, Joseph Kille and Joseph F. Randolph, to represent them in the twenty-sixth congress of the United States:

And whereas, by the said enactment it is made the duty of the governor and privy council of the said state of New Jersey, to cast up the whole number of votes from the several counties, for each candidate for representative in congress, and thereby determine the six persons who have the greatest number of votes from the *whole* state therefor; and more effectually to protect each and every township and county in said state from unlawful disfranchisement by the neglect or fraud on the part of the returning officers of such town or county; the same enactment further *requires* the governor in all cases where certified lists of the polls of said elections in any of said townships or counties, shall not have been returned by the same, within a specified time, and before the governor and privy council shall proceed to determine the result of said election, forthwith to cause an express to be sent for, and procure the same at the expense of the state:

And whereas, the certified lists of the votes polled in the said state at the late election therein for representatives in congress, received by the governor and privy council, were not all true and correct lists, inasmuch as those from the counties of Cumberland and Middlesex, were not full and complete; nor did they purport to be so; but in which the statements of the number of votes given in two townships within said counties were omitted, thereby excluding *six hundred and forty-six* votes, regularly polled in said townships:

And whereas, notwithstanding it was the imperative duty of the governor of said state, under the requirements of its laws, to cause to be procured from the aforesaid townships failing to make returns therefrom, certified copies of the poll lists, or statements of the number of votes given therein, *before* he and the privy council could determine according to law, the true result of said election; and notwithstanding also, that certified copies of the poll lists and statements of all the votes polled at said election in said townships in default, duly and legally authenticated, were procured and presented to the said governor and privy council, yet nevertheless, the said governor and privy council did, in utter contempt, disregard and, in gross violation of a positive law of said state, refuse to receive the certified lists from said townships, but did reject the same, and then determined that it *appeared* to them, that John B. Aycrigg, William Halsted, John P. B. Maxwell, Joseph F. Randolph, Charles C. Stratton and Thomas Jones Yorke, were duly elect-

ed by the *people* of New Jersey, representatives from the said state in the congress of the United States:

And whereas, it appears by a certificate of the secretary of state, of said state of New Jersey, subscribed by him officially, and duly authenticated by his seal of office thereunto attached, which, after declaring therein, the *whole* number of votes polled in said state for all the candidates for representatives, aforesaid, evident and manifest, that the above mentioned persons who were by the governor and privy council, declared to be elected, did not receive a majority of all the votes given for representatives aforesaid, and were consequently not elected as such, as the following extract from said certificate will show, viz: "It appears that at said election, Peter D. Vroom, William R. Cooper, Philemon Dickerson, Daniel B. Ryall, Joseph Kille, and Joseph F. Randolph, received a *majority* of the *whole number of* votes given in the said state of New Jersey for representatives of said state in the house of representatives of the twenty-sixth congress of the United States. And notwithstanding this official declaration of the said secretary of state, and the *doubts* entertained by the said governor himself, who, at the time of determining with the privy council, the result of said election, stated, "that if through inadvertence or by design, any votes have not been returned by the clerks, it is in the power of the house of representatives, (of congress,) in their discretion, to allow those votes, and give the seat to the person, who, with those votes, may be elected;" and further, that "it is his earnest wish, that before that *proper* and *constitutional* tribunal for deciding the matter, each candidate may have the full benefit of every legal vote he may have received at the election." The said governor, nevertheless, did not perform the duty required of him by law, but in dereliction of the same, refused to commission or grant certificates of election to the representatives positively and lawfully elected by the majority of the electors of said state, but contrary to the true result of said election, and against the expressed will of the freemen of said state, as manifested at the ballot boxes, did give and grant commissions of election to five of the other opposing candidates, who were in the *minority* of the suffrages of the people.

And whereas, notwithstanding the wrongful and unjust granting of said commission, although stamped with the "broad seal" of said state, five of the legally elected, but unlawfully disfranchised, representatives of said state, with their commission derived directly from the *people*, and the same solemnly authenticated with the *broader seal* of *their approbation*, with the firm determination to maintain the purity of election, and the constitutional rights of themselves and of the people; and in obedience to their will, did appear in the house of representa-

tives of the congress of the United States, at the proper time, and presenting the evidence of their election and return, in legal and proper form, claim their seats in said house, but were prevented from taking the same by the acts of five of the persons claiming and contesting the same, by virtue of the said commission given and granted them by the governor, as aforesaid, contrary to law, and in manifest violation of the rights of the people of said state.

And whereas, the house of representatives in congress, in the exercise of their proper constitutional right and privilege "to judge of the elections, returns, and qualifications of its members," did proceed through their standing committee on elections, to investigate, judge, and determine, which of the persons claiming and contesting their seats in said house, were duly elected and entitled to the same therein;" and after the most patient, laborious, and impartial investigation, and upon the same evidence which was presented before the said governor and privy council, the said committee did formally report to the said house, "that it appears *prima facie* upon the evidence in the possession of the committee, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Joseph Kille and Joseph F. Randolph, are the five of the ten individuals claiming seats from the state of New Jersey, *who received the greatest number* of lawful votes from the whole state, for representatives in the congress of the United States, at the election of 1838, in said state.

And whereas, the said house of representatives did, upon the presentation of said report from said committee, accept, adopt and confirm the same, by admitting to their seats the said five individuals, who were, by the arbitrary and unlawful acts of the governor of New Jersey, in danger of being excluded from the same, but were duly and legally elected by the people of said state, by a large majority of the votes of the representatives in said house; thereby triumphantly vindicating the just rights of the people, and rigidly rebuking the arbitrary encroachment thereon, even though the same is attempted by men in "high places;" therefore,

Be it resolved by the Senate and House of Representatives of the state of Michigan, That the act of the governor of New Jersey, in granting commissions of election to five of the persons therein named, is a flagrant outrage upon the constitutional rights and privileges of the people of said state; is a positive violation of its legislative enactments, and which has had the effect of depriving, for a time, the said state of the greater part of its constitutional representation in the popular branch of the national legislature.

And be it further resolved, That this legislature, for and in behalf of the state of Michigan, and as a sister state, do, therefore, most *solemnly protest* against said act, as an arbitrary as-

sumption of power, as unconstitutional, unlawful, and as an invasion of the rights and franchises of the people of the said state of New Jersey, and destructive of the fundamental principles of her institutions.

[No. 66.]

Report of the Select Committee, upon the expediency of completing a part of the Clinton and Kalamazoo Canal.

The select committee of the house of representatives, appointed to report to said house, upon the expediency of completing that part of the Clinton and Kalamazoo canal, which has already been contracted, and is now partially constructed, and "also the propriety and expediency of connecting said canal with lake St. Clair, so as to render the same available and productive to the state when completed, with leave to report by bill or otherwise," having had the matters referred to them under consideration, have directed their chairman to transmit to the house of representatives, the following report, with the accompanying documents and resolutions.

In order that the legislature may be the better enabled to come to a correct and satisfactory conclusion with respect to the immediate prosecution of that important state work, the Clinton and Kalamazoo canal, at least, so far as already contracted and commenced, with a view also to its ultimate final completion hereafter, so soon as the financial affairs of the country and the resources of the state will warrant, it becomes necessary and proper, briefly to advert to certain facts and considerations which are believed to have an important bearing upon this question. Whatever may now be the prevailing opinion with respect to the policy or wisdom of engaging our young state in so gigantic a system of internal improvements as that adopted in 1837, there can certainly be no doubt, in this age of enlightened enterprise, that nothing can so surely advance the best interests of our state, and promote and sustain the permanent prosperity of our citizens, as the vigorous prosecution, to their final completion, of such public works of internal improvement as will in the greatest degree combine all or most of the benefits and advantages naturally resulting from such works. With respect to the relative merits of *canals* and *railroads* in general, in all the resulting advantages which constitute the moving causes for engaging in such improvements, it is believed that the united voice of

every scientific engineer, every enlightened statesman and business man, and indeed of the whole community, will be found to give a decided preference to *canals*. While *railroads* are of comparatively small value to the immediate vicinity through which they run, and only tend, in any considerable degree to increase in value such part of the real estate of our citizens as may happen to be situated at the two extreme points of commencement and termination, and in a smaller degree at such intermediate points as may chance to be favored with depots and other stopping places; *canals* have the direct and immediate effect very greatly to increase in value all the lands and other property within the reach of their influence throughout the whole extent of country through which they may pass: towns and villages, as experience has uniformly shown, spring up rapidly along the whole line, and are permanently maintained in a healthy prosperity—the whole resources of the country are brought into active use and operation in the cheapest possible manner; and the farmer, mechanic, manufacturer, merchant, and every other class of citizens are made to participate equally in the advantages realized. And thus immense benefits are not only realized by those in the immediate vicinity, but great and important additions are made to the wealth and resources of the state in general.

Without intending to detract, in the least, from the merits and advantages of railroads to the traveling community, and, in many respects, to the citizens generally, as well as to the state itself, where such works are proper and necessary, it would be preposterous, and against all evidence and experience, to contend that they can ever be brought into successful competition with canals in general utility and natural advantages.

Good *railroads* have always cost a much greater sum for their construction, than *canals*, on routes equally favorable; and, when completed, the expense of keeping in repair and operation, is incomparably greater; the natural consequence of which is, as all experience testifies, that the charges for transportation upon railroads, are about *three times* as much as on canals, in order to render them equally profitable. With these brief and imperfect remarks, applicable to the merits of canals and railroads in general, we proceed to speak of the Clinton and Kalamazoo canal in particular. It is not to be denied, that in any view which can be taken of this subject, at this time, difficulties are to be encountered at almost every step, and that owing to a peculiarly unhappy combination of circumstances with which we are surrounded, and the many conflicting local interests, necessarily effecting every measure relating to our system of internal improvements, an entire unanimity of feeling and opinion can hardly be expected to exist, or be brought about. Still it is confidently believed, that a calm consideration

of *facts*, and a due regard to the important interests of the state, cannot fail to produce such a decision with respect to this work as will not only reasonably satisfy that portion of our citizens more immediately interested, but also every other portion of our state. This question naturally presents itself in a two-fold aspect; first, with regard to the propriety and expediency of prosecuting this work to its final completion, throughout the whole line, so as to connect the waters of lake St. Clair, on the east, with those of lake Michigan, on the west; second, with regard to the immediate completion of the eastern part, at least so far as already contracted and commenced, and connecting the same with the navigable waters of lake St. Clair, by way of the Clinton river, with the view of rendering the same immediately productive to the state. It can scarcely be necessary, at this late day, either to produce *new* arguments, or repeat those heretofore adduced, in favor of either the policy, propriety, or expediency of this important work, as the united concurrence of the three last legislatures of this state, each of whom have passed heavy appropriations for its construction, would seem to be decisive in its favor. This canal has from the first, been looked upon by our ablest and most enlightened citizens, as decidedly the most important work embraced in our system of internal improvements. And it may not be improper here, to quote the views and opinions of our engineers and boards of internal improvements, whose scientific acquirements and experience, and whose greater opportunities of knowledge, from actual observation and official information, have, without doubt, enabled them to form the most correct judgment upon this subject.

In the first report of Jarvis Hurd, Esq., chief engineer upon this route, he says: "In relation to the importance and utility of a *canal*, in point of interest and solid wealth to the state, there can be no doubt; in other states experience has tested this point beyond a question, and reference alone can satisfy the most sceptical. *My own views are, that the state cannot embark in a work so safely calculated to promote so generally the great and growing interest of this state, as that of constructing an independent canal across the peninsula, from the eastern to the western navigable waters.*"—*(See Doc. of H. of Reps.*, 1838, *p.* 216.

And again, in another report to the board, March 23, 1838, he says: "Of the various modes of improvement our country is susceptible of, it has been the studied policy of our distinguished and best informed men, and most eminent and scientific engineers, to encourage that of *canaling*, as the best adapted to the carrying trade, and to the settling, enriching, and developing the resources of a country." "The great advantages to a country, *canals* possess over *other* communications, is the ready

market they afford for almost every article the *farmer* or *mechanic* can produce, and their peculiar adaptation to the growing up of villages, towns and cities, through the whole line of their communication, and the simplicity of the mode of transportation, which brings the field of competition within the reach of almost every individual, however humble his station. The ease, facility and cheapness with which cumbrous articles, and every species of property is moved—the certainty of time in getting returns from remittances, and the security of life and property, from the safety in the mode of conveyance, combine to render this *no monopoly* of communication—the best adapted to the necessities and wants of an extensive agricultural and manufacturing country. And this, unquestionably, is destined to be the future character of Michigan,"—(*Doc. 47, H. of Rep., 1838, p. 1 and 2.*) And in this view the commissioners of the board seem fully to concur. In their report to the legislature in February, 1838, they say: "At this day there is no doubt in the public mind, as to the superior advantages of *canals* over *railroads*, to the country on the immediate line of the improvement, or where heavy and bulky articles are to be transported."—(*See Doc. H. of Rep., 1838, p. 516.*)

With regard to the reasons in favor of the construction of this particular canal, (in addition to the admitted superior advantages possessed by canals over railroads in general, it may be stated:

1st. "A canal can be constructed throughout the entire distance, and at as reasonable an expenditure, taking the whole line together, as works of a similar nature in any other section of the Union."—(*See Com'rs Report, Doc. of H. of Rep., 1838, p. 516.*)

2d. "The surveyed route passes near the centre of almost every county in the tier of counties through which it runs, and for whose benefit it was intended."—(*See same Doc. of H. of Rep., 1838, p. 516.*)

3d. "The general surface of the country, and the soil over which the canal line passes, have been found more than ordinarily favorable to the construction of a canal."—(*See report of chief engineer Hurd, Doc. of H. of Rep., 1838, p. 214.*)

4th. "Fewer obstructions present themselves than were anticipated; and when we take into consideration the saving of expense, of a hazardous and uncertain navigation, the facilities it will afford to the interior for market, the amount of lockage, and *the cheapness of its construction, it may be considered as one of the most important works of the age; and to the state of Michigan, what the Erie canal is to the state of New York.*"—(*See report of Jarvis Hurd, Esq., Doc. No. 47, H. of Rep., March 23, 1838.*)

5th. "The country over which the route of the canal is lo-

cated, to the east line of Ingham county, is much settled. The residue of the route is "*settling rapidly,*" and from the richness of its soil, (*surpassed by none other in the state,*) and superabundance of valuable timber, in *connection with the numerous and* (when accessible by a canal,) *invaluable water powers, bids fair to become second in wealth and population to no other portion of the state.*"—(*See Mr. Hurd's report in Doc. H. of Rep.*, 1838, *p.* 216.)

6th. "The population of the counties of Macomb, Oakland, Livingston, Ingham, Eaton, Barry and Allegan, through the centre of which this canal line runs, and for whose more particular benefit it was designed, was, in 1838, 37,813, being about *four-fifths* as much as the population of the southern tier of counties through which the line of the southern railroad runs, about *three-fourths* as much as the tier of counties through which the central railroad runs, and being also from *one-fifth to one fourth of the whole population of this state.*—(*See Blois' Gazetteer of Michigan, printed in* 1838.)

7. "The amount of unimproved water power on the streams crossed by the canal route, in its immediate vicinity, aside from that of the Kalamazoo river, (which stream was not guaged to ascertain the quantity of water flowing in it,) if judiciously applied, would drive more than *six hundred run of stone.*" (*See Mr. Hurd's report, Doc.* 47, *House of Representatives, March* 23, 1838, *page* 98.)

And to this may be added about thirty grist mills and one hundred saw mills, than already in operation, along the line of the canal, besides the other purposes to which water power was applied. (*See Blois' Gazetteer.*)

If then, the facts be so, (and they appear to be either generally admitted, or proved to be true beyond all rational controversy,) that canals are superior to railroads in all the essential benefits to be derived from these public improvements—that this canal route is found to be not only practicable but highly *eligible*, and capable of being constructed as cheap, at least, as any similar canal in the Union, and for a much less amount of money than either of the railroads across our peninsula—that it passes through the centre of a tier of counties containing in 1838, nearly a fourth part of the whole population of this state, and that population rapidly increasing—that this tier of counties possesses a soil equal, at least in fertility, to any other section of our state—that on the immediate line of this canal there is a greater amount of water power, than the aggregate *improved* water power in the state of Michigan, and with all the other natural elements of permanent wealth and great prosperity, a great part of which are only awaiting the advantages of this internal communication fully to develope and bring them into active operation, the conclusion is irresistibly forced upon

the unprejudiced mind, that if there be any thing in our whole system of internal improvements, which, from its own intrinsic merits, is worthy of the fostering care of our state government —if there be any one work, the permanent advantages and sure benefits of which, to our state and its citizens, would justify its vigorous prosecution to its final and speedy completion, that work is the "Clinton and Kalamazoo canal."

The system of internal improvement, in which our state has engaged, may be on too extensive a scale for the limited means, and as yet, but partially developed resources of our young state; or the present unexampled pecuniary derangements of our country, may have rendered it difficult to complete even what was wisely and prudently undertaken, and that consequently, it may be necessary to suspend, for the present, such parts of that system as appear least likely to produce a revenue to the state, or otherwise result in any immediate adequate benefit to the people. However this may be, it is confidently believed, that upon proper investigation, this canal would never be abandoned or suspended while any other work in the state was being prosecuted. At all events, whatever may be the state of the internal improvement fund, and to whatever conclusion the legislature may in its wisdom arrive, with regard to the propriety or expediency of making any new appropriations during the present session, upon any of these works, it is confidently believed, that the credit and resources of the state are yet amply sufficient to provide for the real interest of the people and the state, by completing, with as much expedition as our present situation will warrant, such parts of the several works as are already under contract and partially completed, so far, at least, as the making of such contracts was justified by appropriations previously made by law. To abandon now such parts of these principal works as are under contract and partially completed, and whose completion is already provided for by *specific appropriations*, would be to subject the state to the certain entire loss of the amounts already expended on such parts; and would plainly involve a violation of public faith, not only towards the contractors themselves, but also towards the citizens of those sections of our state more particularly interested in such works.

It would, therefore, doubtless be true policy and economy, on the part of the state, to prosecute with persevering energy to their final completion, at least, such parts of her public works as are *already partially constructed;* as by doing so there would be saved, the amount of money already expended, besides the amount of damages that might be justly claimed by contractors for loss of materials on hand, anticipated profit, &c., (which damages alone, would, in many cases, be sufficient to complete the unfinished parts of the works.) This

would doubtless give us, to sum extent, credit abroad, and insure confidence and stability at home; it would also soon give us the use and benefit of the works so far as completed, the proceeds of which would be replenishing the treasury, while the necessary expenses of superintending would be materially diminished.

A simple statement of facts in relation to the present condition of the canal will, it is confidently believed, satisfy the most sceptical upon this subject, and the most strenuous advocates of economy, of the propriety of the course above recommended, so far as this work is concerned.

There has been appropriated for the construction of this work by the legislature of 1837, $40,000 00
By the legislature of 1838, 205,000 00
do do 1839, 60,000 00

Making in all, 305,000 00

Besides the amount expended for the survey, &c., in 1837, *(as appears by the documents of the house of representatives for* 1838, *page* 149,)	$12,117 27	
There has been expended in construction, in 1838, *(as appears by documents of house of representatives* 1839, *pages* 276 *and* 278,)	21,981 57	
In 1839, up to November 30, *(see page* 8, *of senate documents No.* 5, 1840,)	93,221 35	
		115,202 92
Leaving still unexpended, November 30, 1840, of appropriations made,		$189,797 08

This amount of $115,202 92 has all been expended on the east part of the canal, along the line from Mt. Clemens to Rochester, a distance of something more than sixteen miles, embracing the sixteen eastern sections; each section of which is now partially constructed, and the whole distance requiring the expenditure of only $138,716 88 more for its entire completion; which is already provided for by the specific appropriations already made, as above stated, and leaving an excess after such completion of sufficient amount to render this part of the canal available, useful and immediately productive to the state, by forming the desired and absolutely necessary communication between it and lake St. Clair, by way of the Clinton river, according to the plan and survey of the engineers, and the recommendations of the board of internal improvement.

It will be seen by senate document 5, 1840, that the estimated expense of said route, from Mt. Clemens to Rochester, is $253,919 80
From this deduct the amount already expended, as above stated, 115,202 92

Left amount necessary to complete the work to Rochester as it stood November 30, 1839, $138,716 88
The amount of work done since November 30, 1839, is not known, but from the best information obtained, may be about 40,716 88

Which would leave at this time necessary to complete this part, $98,000 00

The unexpended balance of appropriations made towards the construction of this work as before stated, was November 30, 1839, $189,797 08
From which deduct supposed amount of work done from November 30, 1839, as above, 40,716 88

Would leave now an unexpended balance of 149,080 20
From which deduct amount now necessary to complete this part from Mt. Clemens to Rochester, as above, 98,000 20

Leaves an unexpended balance of appropriation of 51,080 20
From which deduct the estimated expense of connecting said canal with lake St. Clair at Belvidere, by way of the Clinton river, according to the special report of the board in its favor, signed by E. H. Lathrop, Rix Robinson, James B. Hunt, Wm. A. Burt, L. B. Mizner, and L. S. Humphrey, (*See Doc. H. of Reps., for* 1839, *pp.* 664, 5 *and* 6, 37,915 75

Still leaves to meet any extra contingency, $13,164 45

Or the same general result is shown by taking the statements and estimates of A. Turner, made to Nov. 1, 1839, (*See page* 57, *Sen. Doc. No.* 5, 1840, thus:
Whole estimated expense same sixteen sections at the contract prices, $253,919 80

Carried forward, $

Brought forward,		$
Estimated amount of work done on same to Nov. 1, 1839,		101,640 28
Balance of labor to be done on that day,		$152,279 52
Whole amount of appropriations, as before,	$305,000 00	
Deduct amount of work done, November 1, 1839,	101,640 28	
Unexpended balance of appropriations, November 1, 1839,	203,359 72	
From which deduct the cost of work then unfinished,	152,279 52	
Leaves surplus as before,	51,080 20	
From which deduct estimate for connecting canal and lake St. Clair,	37,915 75	
Leave to meet extra contingencies as before,	$13,164 45	

Thus it will be seen that this part of the canal from Mt. Clemens to Rochester, a distance of 16 miles 64 rods, can be constructed for the entire cost of $253,919 80, being an average per mile of only $15,820; and that the whole distance from lake St. Clair, at Belvidere, to Rochester, a distance of 21 miles and a quarter, can be constructed for the sum of $291,835 55, being an average per mile of only $13,733. This would open a communication from lake St. Clair, along the valley of the Clinton river, through the entire length of Macomb county into Oakland county, through a country cultivated and already thickly populated, having a population of at least 20,000, who will participate in its immediate advantages, and having a soil not inferior to any other in this state, producing even now a large quantity of surplus produce. Besides the other sources of business for this part of the canal, which would be found in the transportation of this surplus produce to market, and the very large amount of staves, lumber, boat timber, &c., which the forests in the immediate vicinity of the route will supply, to an almost unlimited extent, and of the very best quality in the state, we should not overlook the important fact, that this very section of country is more highly favored with *water privileges* than any other section of this state; it having been ascertained, from actual measurement, as will be seen by the report of Jarvis Hurd, Esq., in Doc. of the H. of Rep., No. 47, March 23, 1838, that the Clinton river alone, from Pontiac to Mt. Clemens, affords sufficient power to drive *one hundred and forty-five runs of stone*, besides many acquisi-

tions from smaller streams; and probably about one-fourth part of this water power is now actually employed in driving grist mills, saw mills and other machinery on this route. All these facts seem *fully to warrant the conclusion, that this part of the canal, at all events, will, when completed, produce immediately as great a revenue to the state as any other projected improvement of equal extent or equal cost.*

But upon the supposition that the advantages, either immediate or prospective, to be derived from this canal, were much less than the foregoing facts and considerations seem plainly to indicate; and waiving for the present, the impolicy and injustice of depriving so important a part of the *taxpayers* of our state of all participation in the expected benefits of those important state works, towards the construction of which they are bound to contribute no inconsiderable part, it may not be unprofitable briefly to advert to the condition in which the state would be placed in case this canal should now be *entirely abandoned.* Besides the loss of all the advantages which might reasonably be expected to result to our citizens more immediately interested, and to the state in general, from the completion of this work, or of that part already in progress of completion, it is evident that the amount already expended towards its construction would be entirely lost, being, as before stated, $115,202 92

To which must be added the amount expended for survey, &c., as will be seen by reference to *Doc. of H. of R. for* 1838, *page* 149, 12,117 27

Making, 127,320 19

Probable amount of work done since November 30, 1839, is 40,000 00

To which should be added the amount of materials on hand, which will soon become unfit for the use intended, and rendered of little or no value, which, according to the estimate of A. Turner, Esq., *(See Senate Doc. No. 5, January* 7, 1840,) is 25,818 19

To these, add damages which justly might, and doubtless would be claimed by contractors, which could not probably be estimated on the average, at less than *twenty per cent*, on the contracts, making on the contracts now let, 50,783 96

Making, $243,922 34

Which must be entirely lost to the state in case of the work being now abandoned, without taking into the estimate the expense of settling up so complicated a mass of business, the cost

of bridges, or filling up again parts of the present excavations, and all the other various incidental and necessary disbursements, which would, without doubt, swell the gross amount of the expenditures incident to an *abandonment*, to a sum at least equal to that required for the *entire completion* of that part of the work now commenced.

With the existence, then, of such a state of facts, *public policy, justice and true economy*, seem alike to dictate that, at least, so much of the Clinton and Kalamazoo canal as extends from Rochester, in the county of Oakland, to Mt. Clemens, in the county of Macomb, should be prosecuted with all due vigor, to its final completion; and that said canal should be continued from Mt. Clemens to lake St. Clair, at Belvidere, by way of the Clinton river, according to the plan and survey thereof, reported by Erastus Hurd, engineer, under date of March 20, 1839, to Edwin H. Lathrop, president of the board of commissioners of internal improvement, and in accordance with the recommendation and report of said board, as contained in the printed documents of the house of representatives of this state for 1839, on pages 664, 665 and 666; and that said continuation should be completed as soon as practicable.

It will be observed, that in the foregoing view taken of this subject, the continuation of said canal from Mt. Clemens to Belvidere, by means of a towing path along the bank of the Clinton river, and cutting across some of the bends of said river, forms an indispensable part of the means necessary to make said eastern part of said canal available and productive to the state.

The propriety of this seems sufficiently established by the following facts and references, to wit:

1st. The evident design and intention of the legislature originally was that this canal should be connected with lake St. Clair; besides the evident necessity and propriety of such connection in order to render said canal useful and productive.

2d. The facts and reasons set forth in the memorial upon this subject, of James L. Conger, to the legislature of Michigan, in 1839. Which facts being either proved or admitted, and having an important bearing on this question, the said memorial is respectfully referred to, and accompanies this report as document A.

3d. All who are correctly informed upon the subject, including all those more immediately interested in the question, as well as the state engineers and commissioners, who have referred to this matter, agree in the same opinion.

4th. *The matter has been fully contested, thoroughly examined, and finally recommended by the whole board of commissioners, as will be seen by reference to their special report before referred to,*

is found on pages 664, 5 and 6, of the documents of the house of representatives for 1839.

5th. The legislature of this state, in their sessions of 1838, 839 and 1840, seem all to have coincided in the view that this anal should be connected with lake St. Clair, by way of the arbor at the mouth of the Clinton river, at Belvidere, as will e seen by reference to pages 42 and 43, of the journal of he senate for 1838; and page 62, of the journal of the ouse of representatives, 1838; journal of the senate, 1838, ages 270, 271, 375; journal of house of representatives, 1838, age 428; session laws of 1839, page 248; and memorial and esolution of the present legislature, to Congress, relative to mproving the harbor at Belvidere, passed in January of the *resent session.*

In conclusion, after what has been already stated, it is deemd scarcely necessary to allude to the suggestion of *L. S. Humhrey* to the board of commissioners, (as found in his report on age 56, of senate document No. 5, January 7, 1840,) suggesing "to the board the propriety of a recommendation in their eport to the legislature, that a change be made in the line of anal near the village of Mt. Clemens, so as to turn it *into the Detroit river at the city of Detroit*;" as that suggestion does ot appear to have been acted on by the board, and is moreover in direct contradiction to the recommendation of the board s contained in their special report before referred to, made March 26th, 1839, and signed among others by *Gen. Humphrey* imself. And besides, the project of constructing a continuaion of this canal from near Mt. Clemens to Detroit, a distance f about 20 miles, along by the side and in the immediate vicity of the present navigable waters of lake St. Clair and Deroit river, at an expense of at least $300,000, instead of conuing it as now proposed, about *five* miles to lake St. Clair, t Belvidere, by way of the Clinton river, at an estimated exense of from $30,000 to $40,000, (and the *real* cost, by way f the Clinton river, will not probably exceed from $15,000 to 20,000,) appears too unjust, impolitic and absurd, to be seriusly entertained. No possible benefit can be imagined which ould accrue from such a project, to the state, or any other arty or place, except alone the advantages to the *city* of Deroit, from the additional amount of business which would thus e brought within her limits, to the prejudice of others, and at heavy sacrifice of the funds and real interest of the state. ll who are acquainted with the facts know, beyond all quesion, that transhipments of produce, goods and other articles, an be made *direct* from *Belvidere* to *Buffalo* and other eastern ake ports, and from those eastern lake ports *direct to Belvidere ith the same facility that they can from Detroit*—there being o more necessity for again reshipping at Detroit than there is

for reshipping at Cleveland, articles shipped at Detroit and destined for Buffalo.

Inasmuch, therefore, as the amount already expended on that part of said canal already commenced is about $170,000, (including the expense of surveying,) requiring only from $80,000 to $100,000 more to complete and put the same in operation; *while to abandon the same now, would subject the state to at least as heavy a further expenditure of money as to complete it.* And the work cannot be permitted to remain for any length of time in its present unfinished condition without the certainty of incurring heavy losses in consequence, to the state and to contractors. And as this part of the canal, when finished, must remain of much less utility and comparatively unproductive to the state, unless continued to and connected with the navigable waters of lake St. Clair—all of which completion and connection is already provided for by specific appropriations heretofore made for this work; which facts alone, without reference to the other reasons hereinbefore set forth, appear sufficiently conclusive upon the subject. Your committee beg leave to introduce the accompanying resolutions, and to recommend their adoption, in the full belief that the true interests of the state will be thereby advanced, while at the same time, no injustice will be done to any portion of our citizens.

All which is respectfully submitted.

T. P. TUCKER,
Chairman of Committee.

(A.)

Memorial of James L. Conger, to the legislature of Michigan, showing the propriety and necessity of connecting the Clinton and Kalamazoo canal with the navigable waters of lake St. Clair, by means of a towing path along the northerly bank of the Clinton river, from Mt. Clemens to the mouth of the river at Belvidere.

As this subject is one which deeply effects the interests of this state, as well as of commerce and navigation in general, the following facts and observations are respectfully submitted, in the confident hope that this matter may receive that prompt and effective attention which its importance demands. That this canal is infinitely the most important work of internal improvement as yet commenced by the state of Michigan, is a fact so well established in the minds of all, possessing the requisite information, as scarcely to need confirmation. This enterprise may truly be said to have originated in enlarged and liberal views of legislation—is sustained by the soundest maxims of

rue policy—and will doubtless be prosecuted to its final completion, with that energy and liberality, which the important benefits naturally resulting from the work, so amply justify. This canal is destined to be to future ages, the proudest monument of the enterprise and enlightened wisdom of the people and legislature of this state. But to come to the subject now under immediate consideration, your memorialist would respectfully beg leave to suggest a few facts and considerations, having an important bearing upon this matter—premising that your memorialist most solemnly vouches for the correctness of every statement herein contained; and holds himself prepared, at all times, upon reasonable notice, to substantiate the correctness of every position, and prove the truth of every statement herein set forth, by the most irrefragible arguments and the most unexceptionable testimony. It is assumed, then, by your memorialist, as facts and positions, which cannot be successfully contradicted, but which, on the contrary, are susceptible of the fullest demonstration and the clearest proof—that the Clinton and Kalamazoo canal was designed to connect the navigable waters of lake St. Clair on the east, with those of lake Michigan on the west, for the purpose of opening a ready market to our farmers, mechanics and others, across the whole extent of our peninsula—quickening and bringing into more full operation the inexhaustible resources of this part of our country—avoiding the tedious and perilous navigation around by the straits of Mackinac—and finally to establish the reputation, increase the wealth and resources, and insure the permanent prosperity of out state and its citizens.

2d. That true policy dictates that such connection should be rendered as complete as practicable, by making the approach to said canal as easy, safe and convenient as circumstances will admit.

3d. That the state, in effecting this object, should avail itself of the advantages and facilities presented by nature, with a due regard to economy in its construction.

4th. That the present eastern termination of this canal being now definitely located in the Clinton river, near Mt. Clemens, it *must of necessity*, and should as a matter of expediency, policy and economy, be connected with the navigable waters of lake St. Clair, by means of the Clinton river, and by way of the harbor at the mouth of that river at Belvidere.

5th. That the Clinton river, being not navigable for lake vessels and steamboats, except the smallest size, presenting in its whole course, from Mt. Clemens to Belvidere, one of the best natural canals in the world, having only fifteen inches fall in the whole distance, and capable of being at once applied to this purpose, without the expenditure of a dollar, and the northerly bank of that river, between those points, presenting a natural

towing path, throughout the greater part of that distance, of precisely the desired height, which is never overflowed, except in the immediate vicinity of Mt. Clemens, and a few other places for short distances—and consequently the expenditure necessary to complete this connection by the mode proposed, being comparatively trifling, all seem to indicate the propriety and economy of the adoption of this mode.

6th. That without such connection of said canal with lake St. Clair, by the time the eastern portion of said canal shall have been completed, this canal must remain in a great measure unproductive to the state; and that true economy and the manifest interest of this state, therefore, required that this connection should be provided for, in the manner now proposed, during the present session of the legislature, and be carried into effect at as early a day in the course of the present year as may be practicable.

And finally, that this is no new project, or new work, in which the state is asked to engage; but is in fact, to all intents and purposes, a real, integral and highly necessary and important part of the Clinton and Kalamazoo canal itself; and that, therefore, a small part of the appropriation for this canal, for the present season, might, with propriety, be expended in forming this connection.

If then, these statements are true, your memorialist most respectfully asks, does it not become the enlightened wisdom, and is it not indeed the imperious duty of the present legislature of Michigan, to take efficient measures to carry into effect the object hereby proposed? It is, indeed, a matter of surprise to many well informed persons, that this canal was not at first directed to be continued to the harbor, at the mouth of the Clinton, at Belvidere; *as without such connection, the singular phenomenon is presented, of a great and important canal terminating six or seven miles from the navigable waters with which it was confessedly designed to connect.* But to those familiar with the history of legislation, a sufficient explanation will be found in the fact, that at the time of the passage of the act authorizing the preliminary survey for this canal, no sufficient information was in the possession of the legislature; and further, that under the then existing circumstances, the present eastern termination was assented to by the friends of this canal, as a temporary measure of policy, for the purpose of avoiding the danger of the entire loss of the measure. It being by them well understood, that the canal must and would be continued east, by the course and mode now proposed, so as to connect with the navigable waters of lake St. Clair, in this manner, so soon as the proper examinations and more full information should be had.

Your memorialist humbly conceives, that the propositions and principles hereinbefore set forth, are such as will at once command the assent of every intelligent mind and the approbation of every enlightened legislator. And it is respectfully suggested, that the accomplishment of the object herein contemplated, would be in strict accordance with all those principles; nor is it believed that there can remain any difference of opinion on these points among those who have fully investigated the facts in the case. Neither is it known that the interest of any place or any person can be adversely effected by the improvement contemplated; nor that any reasonable opposition to the measure can or will be made, from any quarter. Mt. Clemens, the only place that could, by possibility, be supposed to have any adverse interest, would be immediately and greatly benefited by this improvement, as it is a fact well known, that those small lake vessels which can ascend the Clinton river to Mt. Clemens, are *necessarily* and always worked up to that place with much trouble, labor, expense and delay, being usually several days in accomplishing this passage of about six miles. The people of Mt. Clemens are, therefore, anxiously desirous of having this object accomplished—and as an evidence of this feeling, your memorialist would refer to the fact, that petitions, signed by almost every man of business and property in that place, were presented to the last session of your honorable body, praying for the construction of this towing path, &c.

With regard to the propriety of the location of the eastern end of the canal in the Clinton river, near Mt. Clemens, with the view to connect with lake St. Clair, by way of the Clinton, in the manner now proposed—the fact that such location has been made with that view, and in such a manner that there remains no other reasonably possible route by which that connection can be formed; it may be proper to observe, that the act authorizing the original survey, contemplated and expressly provided, that the canal should enter the Clinton river *at or near Mt. Clemens.* And that after the surveys and examinations had been completed, by the board of internal improvements, at a meeting of that body, held at Mt. Clemens, during last summer, for the express purpose of obtaining information, hearing all the parties interested, and making a final decision as to the particular point at which the canal should enter the river, did decide that question and definitely locate the junction on the Clinton at Mt. Clemens, where the canal enters the river by fourteen feet descent of lockage. This decision was undoubtedly in accordance with the law, and with the interest of the state; and was not made until after the most thorough, patient and laborious investigation, and due deliberation of all the facts bearing upon the subject. Strenuous efforts were

made by those interested adversely to this location, to obtain a different location of the eastern end, with the view to have the canal eventually connected with lake St. Clair by way of L'Ance Cruse bay.

The matter was earnestly contested by those having an immediate interest in the question, as well at the meeting of the board above referred to, as at a previous meeting of that body, held at Pontiac. Throughout the whole of this controversy, the location in the Clinton river, at Mt. Clemens, was contended for mainly on the ground of the propriety, expediency, economy, &c., of connecting said canal with lake St. Clair, by the very route and in the very manner herein proposed. And it was distinctly understood, that the location of the east end, in the Clinton, at Mt. Clemens, would effectually and certainly insure the connection by the way of the river and harbor at Belvidere. It would, however, be a useless waste of time, to recapitulate all the arguments and doings in referrence to this matter. It is sufficient to say, that by the law, and by the board of internal improvements, this canal has been located to enter the Clinton river at Mt. Clemens; and that so having entered the river, there is no reasonable possibility of its reaching the lake, except by the course now proposed. The work has been let, and is now partially completed; and this question forever settled, and is so understood by all. Your memorialist is not aware that there now remains, in the mind of any man, even any hope of diverting its course. And the preamble and resolution of your honorable body, at the present session, relative to obtaining an appropriation for a light house and harbor at Belvidere, and also a similar preamble and resolution on the same subject, passed at the last session, clearly show the concurrence of those bodies in the view here taken of this matter.

The only questions, therefore, that now remain to be decided, in reference to this matter, are, first, as to the particular manner of connecting the canal with the lake—and, secondly, as to the time when this ought to be accomplished. So far as regards the manner, little remains to be added to what has already been stated in favor of a towing path.

It might, indeed, be true policy and economy, to cut across two or three of the principle bends in the river, which would add very little, if any thing, to the cost, and would materially shorten the distance. And it will doubtless be for the interest of the state to cut across the bend of the river at Belvidere, from a point commencing at the east end of the proposed channel, as laid down on the plat of said town, and following said channel west to the river, at a point opposite the steam mill. This cut recommends itself strongly on the score of economy, as it will doubtless cost much less than to construct a towing

path around the bend on the margin of the river, where the ground is very low. And, if this cut should be deemed advisable, your memorialist would, with due deference, suggest the propriety of making it large enough to admit the largest steamboats to pass through, so that they might be enabled to turn around in the harbor without the trouble and delay of winding. It is also deemed proper here to remark, that in order to insure this connection, immediately, it may be necessary to authorize the expenditure of a small part of the contemplated appropriation, in deepening the channel on the bar, at the mouth of the river, in case the anticipated appropriation for this harbor should not be obtained, from congress this winter. That an ample appropriation for this harbor and light house, will soon be obtained, from that source, no reasonable doubt can exist, though possibly not during the present winter.

And in connection, it may not be out of place to advert briefly to the project of connecting the canal with the lake by means of a *ship channel* from Mt. Clemens to Belvidere. This would probably be the first choice of some of the inhabitants of Mt. Clemens, provided there was any probability of obtaining it; and, if a towing path was constructed along its margin, no objections would be urged by your memorialist, or perhaps from any other quarter, except those objections arising from the facts that a ship canal would require a heavy expenditure of money to be made without conferring any general benefit on the public or the state. *And to construct a ship channel without a towing path, would be, in fact, to war against the nature of things, and vainly attempt to control the laws of commerce and navigation. It would, indeed, be to attempt, by forced means, against all the lights of experience, and every rule of sound policy, to change the natural location of the harbor, and the natural termination of the canal, from Belvidere to Mt. Clemens; and would, moreover, materially injure the interests of the state, and of the commercial community in general, by rendering the approach to the canal unnecesssarily tedious and difficult.* And as having a bearing upon this matter, your memorialist begs leave to refer to a statement contained in the report of James B. Hunt, acting commissioner on this canal, (which will be found on page 14,—*second paging*,—" in No. 17, H. of Reps. Jan. 16, 1839,") where he says, "It becomes necessary, therefore, that the navigation of the river from Mt. Clemens to its mouth, must be improved and the obstructions removed by the time the canal is completed, so that the large lake vessels can meet the river and canal boats at that point, or the work must remain unproductive." So far as this statement goes to establish the necessity for a speedy connection to be formed between the canal and the lake by way of the Clinton river, your memorialist fully concurs with said commissioner—and in fact

this necessity is so apparent to all, that no one can or will deny it. But so far forth, as relates to the other statements contained in said extract, and the inferences and conclusions legitimately flowing from the same, your memorialist feels compelled to express his most decided *denial* and *dissent* thereto. Both as an individual and as a citizen of this state, your memorialist considers himself greatly and deeply injured by the incorrectness of said report; and without at this time commenting upon the motives which could have actuated said commissioner in making the same, your memorialist cannot restrain the expression of his extreme surprise and regret at the very extraordinary conclusion to which said commissioner *professes* to have arrived on this subject, to wit: that unless the river be improved from its mouth to Mt. Clemens, so as to admit large lake vessels—or in other words, unless a ship channel be constructed that distance, the canal itself must remain unproductive, because no other connection can be formed between the canal and the lake.

Your memorialist does not complain that the unpretending town of *Belvidere* is not even mentioned in said report, in connection with this subject—but is most truly astonished, and might be greatly injured, that in view of all the facts and considerations herein before contained, which were fully known to said commissioner, the project of a towing path is not even mentioned or alluded to—notwithstanding the towing path is the very method of connection contemplated from the first—is evidently the most proper, expedient and economical, and in every respect most conducive to the interests of the state, and is more especially one of the very modes contemplated by the *resolution of the board*, directing an examination and survey to be made, under the supervision of said commissioner. No assignable or rational motive for the tenor of said report can be given by your memorialist, unless it be attributed to the same feeling which has, from the first, induced in said commissioner unceasing hostility against the interests of the eastern part of this canal, and especially in so far as relates to the common rights and interests of Mt. Clemens, Belvidere, &c. And taking said extract, in connection with other parts of said report, another reason, as your memorialist conceives, may be legitimately inferred, to wit: that the design of said commissioner was to convey the idea, that no connection could be formed between the canal and the lake, except by means of *steamboat navigation* or *ship canal*, well knowing that the expense of *such* a work would be so great as effectually to exclude the possibility of its accomplishment, at present, at all events, and probably forever—and then, after having defeated the towing path by these means, urging the fact, (which is indeed apparent,) of the necessity for the immediate connection of the ca-

nal with the navigable waters at some point, and insisting that without such connection, said canal itself must remain unproductive to the state, and of comparatively little value or utility—and then, by referring to the facilities to be afforded by the railroads now in progress from Utica and Pontiac—thus endeavor to obtain the expenditure of the appropriation for this canal, the present season, to be made west of Pontiac; which would, evidently, be a sacrifice of the interests of the state to an immense amount, and finally tend to the entire or partial destruction of the advantages to be derived from the eastern portion of this canal; and build up princely fortunes for the owners of stock in an incorporated company, at the expense of the state. Whether such were the motives which actuated said commissioner in making this report, your memorialist will not, at this time, attempt to determine; but that such is the scope and intention fairly deducible from said report itself, he does most respectfully insist.

It may also be added in favor of the mode of connection recommended in this memorial, in addition to what has already been said on the subject, that Jarvis Hurd, Esq., chief engineer on the canal, while engaged in making a survey of the Clinton, &c., upon being requested by your memorialist to state, (as an experienced engineer and a man,) his views with regard to the proper mode of forming this connection, with reference to the interest of the state, &c., replied, in substance, *that there could be but one view of the subject, in his opinion, and that was, that the interest of the state, and of the public in general, would clearly dictate that it should be done by a towing path, along the north bank of the Clinton, cutting off two or three of the principal bends of the river.* And the same opinion has been very recently expressed by Mr. *Erastus Hurd*, principal assistant engineer on said canal—and also by *every member* of the board of internal improvement with whom your memorialist has conversed on the subject, including even Mr. Hunt himself, notwithstanding the report of said Hunt, before made on the subject, as above referred to; Mr. Hunt now saying that he did not intend, by said report, to recommend any *particular mode* of connection, but merely to urge the necessity of having said connection made in *some manner*, by *towing path* or otherwise. The board, however, declined taking any measures in this behalf, as the object proposed was beyond their jurisdiction, and no legislative provision had been made upon the subject; and, therefore, recommend a direct application to your honorably body as the only power competent to accomplish this purpose.

With regard to the time *when* said connection should be formed between said canal and lake, it is respectfully suggested, that from the foregoing statements, the conclusion is evi-

dent and irresistible, that the interest of the state and the benefit and convenience of the public, loudly demand that this should be provided for *during the present session* of your hon. body, or it cannot be completed so as to form the desired connection by the time that the eastern portion of said canal shall have been completed; and that consequently, *for the want of such connection, the canal must remain comparatively unproductive.* And it will not be forgotten, in connection herewith, that from the report of said commissioner, the eastern portion of said canal is to be ready for navigation in the course of the ensuing fall. Another consideration also presents itself in favor of the immediate prosecution of this connection, (by deepening the channel on the bar and building a towing path,) which is, that contractors on the canal will find it ruinously expensive and extremely difficult, to transport to the proper place the materials, &c., necessarily to be transported by this route, to aid in the construction of said canal; and more particularly as the waters of lake St. Clair have already fallen about four feet perpendicularly since the last summer, and are still falling. Which circumstance, besides the expense and inconvenience to contractors, must, necessarily, work much injury to the interests of the state, by causing uncertainty and delay in the construction of the canal. And finally, *as this canal was designed to connect the navigable waters of lake St. Clair with those of lake Michigan, and that confessedly and evidently, this connection on the east, can only be formed by way of the Clinton river; that such connection is no new work in which the state is asked to engage, but is an essential and absolutely necessary part of the canal itself;* that *a connection by ship canal is wholly out of the question,* and would moreover be impolitic, expensive and unnecessary. That such a connection can be easily formed by means of the towing path herein referred to, (either with or without cutting across the principal bends in said river,) and by deepening the channel, on the bar, at the mouth of the river; that the *interest of the state absolutely requires this connection should be formed without delay;* that but a *very small sum would be required* for this purpose, (not exceeding in all, as your memorialist believes, the sum of $15,000 or $20,000,) and *that even this small sum would not add a dollar to the burthens of the state,* as it might with great propriety be deducted from the amount appropriated for this canal: therefore, your memorialist humbly prays your honorable body, that the several *statements in this memorial contained may be fully investigated, and the truth thereof be satisfactorily ascertained,* an that by suitable enactments for that purpose, to be passed at your present session, you will cause the Clinton and Kalamozoo canal to be connected, *during the present year,* with the navigable waters of lake St. Clair, at the mouth

of the Clinton river, at Belvidere, by means of a towing path along the northerly bank of said river and by cutting across the bends of said river, as hereinbefore stated, and also by deepening the channel, on the bar, at the mouth of said river.

And your memorialist, as in duty bound, &c.

Belvidere, February 24, 1839.

After the presentation of the foregoing memorial to the legislature, the attention of the board of commissioners of internal improvement was again called to the subject, and the necessary testimony laid before them in support of those facts about which it was supposed any controversy could arise, which resulted in the conviction in the minds of the members of said board, of the *propriety, expediency* and *necessity* of the connection of said canal and lake St. Clair, by the route and in the manner recommended in said memorial; and accordingly a special report, signed by E. H. Lathrop, Rix Robinson, Jas. V. Hunt, W. A. Burt, L. B. Mizner, and L. S. Humphrey, recommending the same, was sent to the legislature, March 26, 1839, (which will be found in Doc. of H. of Rep., for 1839, pp. 64, 5 and 6.) Subsequently, a "bill," (No. 111, H of Rep., April 5, 1839,) for this purpose, was reported to the house of representatives, by the committee of internal improvement," which *passed* said house by a vote of twenty-eight to thirteen, but was *lost* in the senate on the question of its final passage, by a *tie* vote of eight to eight. The principal opposition being made, not against the merits of the bill itself, but upon the grounds, first, of the expediency of finishing any part of the *main canal* itself, and secondly, as the eastern part of said canal would not be finished till some time in 1840, it would be sufficient to provide for said connection or continuation, during the session of 1840.

Joint Resolutions.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of commissioners of internal improvement of this state be, and they are hereby directed, to cause that part of the Clinton and Kalamazoo canal, which lies east of the west line of section sixteen of said canal, extending from the village of Rochester, in the county of Oakland, to Mt. Clemens, in the county of Macomb, to be completed, and put into operation as soon as practicable.

2. That said Clinton and Kalamazoo canal be, and the same is hereby declared to be located and continued, so as to connect with lake St. Clair, at the mouth of the Clinton river, at Bel-

videre; and that said connection and continuation be formed by means of a towing path along the northerly bank of said Clinton river, and cutting across the bends of said river, so as to form a continued connection, according to the plan and survey of the same, reported by Erastus Hurd, under date of March 20, 1839, to Edwin H. Lathrop, president of the board of commissioners of internal improvement.

2. That said board of commissioners cause the construction of said connection and continuation of said canal, as above specified, to be commenced as early in the present season as practicable, so that the same may be completed by the time the above mentioned eastern part of said Clinton and Kalamazoo canal, from Rochester to Mt. Clemens, shall be finished.

4. That for the purpose of completing said canal to the west line of said section sixteen, and of constructing and completing the continuation thereof, so as to form a connection with the navigable waters of lake St. Clair, at Belvidere, as above specified, said commissioners shall use such part of the unexpended balances of any appropriations heretofore made for the construction of said Clinton and Kalamazoo canal, as may be necessary for those purposes.

[No. 67.]

Special Message.

To the Senate and House of Representatives:

GENTLEMEN—The accompanying document appears to have been transmitted from Frankfort, Kentucky, on the 12th inst., and reached me last evening. It discloses the same general sentiments which characterize other documents relative to the public domain, to which, in a recent communication, I have alluded, and which have emanated very lately from so many of the "original states."

Kentucky, however, was not one of the "original states." Prior to the revolutionary war, no settlement of white persons appear to have been established within its present limits, (Seybert, Stats, 4,) although Col. Boon, had, a short time before, explored some part of it. It comprehends an area about equal to about twenty-six millions of acres, which, for the greater part, were, at the conclusion of that war, "unpatented," or "crown lands." In December, 1789, the commonwealth of Virginia, which claimed that district as within her limits, passed a legislative act, (1st Vir. Rev. code, 50—51,)

with a view to its erection into a state, and a member of the Union, prior to November, 1791, if Congress, and if the people of the district should assent thereto, It was not until after that period that Kentucky settled rapidly.

In June, 1792, Kentucky became a "free, sovereign and independent state,"—and was admitted a member of the Union, "on the same footing," I believe, "with the original states, *in all respects* whatsoever,"—and from that moment became seized in full property, of all the "unlocated, unpatented, crown lands," within her limits. I will only superadd, that if Michigan were now admitted a *co-equal* member of this nation, "on the same footing in all respects whatsoever," with that generous and gallant state, Michigan would have ample means to furnish all those military roads which the general government, (while yet *we* were but a colony,) *laid out*, but *never finished*, to straighten and clear out that channel of the Detroit river which is on the west side of Grosse Isle and Bois Blanc, so that the whole commerce of the lakes would no longer, of necessity, pass under the very guns of a foreign power—it would have ample means to improve and secure all the natural harbors of her long and incurvated shores—to have united, by a ship canal, the navigation of lake Superior with that of the lakes below, and to have consummated the whole of that splendid system of internal improvement which our citizens have so near their heart! She might also have retained from the same fund, resources with which to meet those times of pressure and distress, to which all states are subject!

My early associations, gentlemen, my long continued habits of thought—my wordly interests, are with the new states—with Michigan! And, prejudiced though I may be, I cannot help but think, that it is our duty to continue to press the claims of our own state upon the impartial justice of this nation, and upon the magnanimity of congress, until we shall be placed and continued at least, upon as good a "footing" as the most favored of the states of the west.

But, were it in our *power* to do more, more ought not, perhaps, to be done! Against the fatal consequences of a geographical demarkation of political parties, we have long since been most solemnly forewarned. And no further motives than they have, *can* be wanting to stimulate our fellow citizens of Michigan to do every thing—to suffer every thing which honor and duty will allow—to preserve and to defend, in whatsoever degree they may have influence or power, the close associations of these states, and the harmonious operations of all the functions of this holy union!

WM. WOODBRIDGE.

Executive Office, March 24, 1840.

Preamble and Resolutions concerning the Public Lands.

Whereas, the legislature of Kentucky has seen that a proposition is now pending before the congress of the United States, to cede, by act of congress, the public lands to the several states in which they lie, the legislature of Kentucky feels itself called upon to express its dissent to such a measure, or any other that either cedes such lands to the states in which they lie, or appropriates them to any use, except such as will result in the general benefit and welfare of the whole of these United States. The lands conveyed to congress by the state of Virginia, were conveyed in trust, for the benefit of all the states, and were conquered from the crown of Great Britain, by the common struggle and treasure of all the states, as were all other lands acquired in the revolutionary war. Those acquired since, have been acquired by the common treasure of the whole of the states, and are held by congress, in like trust, for all the states; and having been so obtained, and so held, ought not to be relied on as fund for the payment of the ordinary expenses of the national government, and thus dissipated without any lasting or permanent benefit resulting to those by whose blood and treasure they were acquired; Therefore,

1st. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That the public lands of the United States are not, of right, the property of the particular states in which they lie, nor that of the people of such states, and, therefore, the congress of the United States ought not to cede such lands to such states, or any of them, or to appropriate such lands for any purpose whatever, but in behalf and for the benefit of the people of all the states.

2d. *Resolved*, That the national debt being now paid off, all moneys arising from the sales of the public lands, after defraying the expenses incident to the sales, ought to be distributed among the several states, according to the federal numbers of each state.

3d. *Resolved*, That a copy of the foregoing preamble and resolutions be forwarded by the governor, to our senators and representatives in congress; and that our senators be instructed, and our representatives requested, to resist with all their energies, and to enter their solemn protests against any measure, by which the public lands are to be transferred to the particular states in which they lie, or any appropriation made of them, except for the general benefit of the whole of the United States.

4th. *Resolved*, That a copy of this preamble and resolutions be forwarded, by the governor, to the president and vice president of the United States, and also to the governors of each of the other states in the United States, with a request that

they should lay them before the respective legislatures of the said states.

(Signed,) JOHN L. HELM,
Speaker of House of Representatives.
SAMUEL HANSON,
Speaker of the Senate.

Approved, February 12th, 1840.
CHARLES A. WICKLIFFE.

EXECUTIVE DEPARTMENT,
Frankfort, Kentucky, Feb. 18, 1840.

SIR—I have the honor of enclosing you a copy of a preamble and resolutions adopted by the general assembly of Kentucky, concerning the public lands; you will perceive the wish of the general assembly expressed, that you lay the same before the legislature of your state.

Respectfully, your obedient servant,
(Signed,) C. A. WICKLIFFE.

[No. 68.]

Report of the State Librarian.

To the Honorable Legislature of the State of Michigan:

I have the honor herewith to transmit a detailed statement of the manner in which the amount of the sum, which has been appropriated for the enlargement of the state library, has been expended the last year for the said purpose, agreeable to an act approved March 21, 1837.

Also a recapitulation of all the sums appropriated and expended agreeable to said act.

All of which is most respectfully submitted.

OREN MARSH, *Librarian.*

Library Room, February 6, 1840.

A statement of the manner in which the appropriation for the enlargement of the state library has been expended during the year A. D. 1839.

June 8,	Bought of James M. Burger,	
	24 vols of Niles' Register, at $5 per vol.	$120 00
	Carried forward,	

	Brought forward,	
May 15,	Bought of S. L. Rood,	
	15 copies of the journal of the convention to form the constitution of the state of Michigan, 1835,	22 50
June 8,	Bought of Collins, Rees & Co.,	
	History of Maine, 2 vols,	5 00
	Elements of agriculture, by D. Low,	6 50
	Life of A. Burr, 1st vol.	2 50
	Sparks' Franklin, 8 vols.	20 00
	History of Vermont,	3 25
	" New Jersey,	3 00
	" Maryland,	6 00
	" Michigan,	1 75
	Porter's journal, 2 vols.	2 50
	Beechy's voyages,	1 50
	History of maritime discoveries in America, 3 vols.	1 75
	Coxe's tour on Columbia river,	2 75
	Three years in the navy,	1 75
	Francois reign of terror,	1 25
	Robertson's Paraguay,	1 25
	Akin's British poets,	3 50
	Memoirs of historical society of N. Y.,	8 00
	Charles 12th,	75
	Voltair's Peter the great,	3 00
	" Louis 14th,	2 50
	Hamlet's narrative,	1 50
	Cook's voyages, 3 vols.	9 00
	Memoirs of Marshal Ney,	2 00
	Recollections of Mirabeau,	1 50
	Everett's orations,	2 75
	Infidel,	1 50
	Nick of the Woods,	1 50
	Robin Day,	1 50
	Three years in the Pacific,	2 50
	Irving's Granada,	2 50
	Knickerbocker, N. Y.,	1 50
	Indian traits, 2 vols.	1 20
	Conquest of Florida,	1 75
	Irving's Astoria,	2 00
	Life of Bainbridge,	1 75
	Cooper's naval history,	4 00
	Hawk Chief,	1 50
	Clinton Bradshaw,	1 50
	Rob of the Bowl,	1 50
	Carried forward,	

	Brought forward,	$
June 8, do	Spark's civil and diplomatic code,	25 00
	Pericles and Aspasia,	2 25
	Mannsfield silk manual,	0 38
	Clark on mulberry,	1 25
	Raynel on banking,	1 75
	Tucker do do	1 50
	Memoirs of celebrated women,	1 25
	Life of Wilberforce,	1 25
	Malcom's travels,	2 50
	Mayo's political sketches,	1 25
	Spirit of the east,	1 50
	Genius of Shakspeare,	1 00
	Women of England,	0 75
	Bench and bar,	1 25
	Life of Cowper,	1 75
	Authors of England,	7 00
	Adcock's engineering pocket book,	2 50
	Ashburnham's narrative Charles 12th,	3 75
	Autobiography 33d,	22 00
	Annals of Persian campaigns,	4 50
	Brees' railway practice, 3 vols,	25 00
	Bruffs' engineering field works,	3 00
	Ben Johnson's works,	7 00
	Brougham's speeches,	11 00
	Burnett's history of his own times,	22 00
	Burnett's reformation,	14 00
	Cook's memoirs of Bolingbroke,	5 00
	Clarendon's rebellion,	15 00
	Cramer's works,	22 00
	Curiosities of literature,	6 00
	Don Quixotte, 3 vols, 8 vo.	18 00
	Dean's designs for cottages,	5 50
	Engineers' and mechanics' cyclopedia,	12 00
	Goodwin's history of the commonwealth,	15 00
	Garrick's private correspondence,	15 00
	Hancock on steam carriages,	2 00
	Hughs' on roads,	1 75
	Herring's sketches of the Danube,	22 00
	Lewis on chess (not received,)	1 00
	Middleton's Cicero,	5 00
	McCullock's political economy,	6 00
	Nicholson's architectural and engineering dictionary,	25 00
	Parnal on roads,	6 50
	Nicholson on masonry,	4 00
	Carried forward,	$

		Brought forward,	$
June	6, do	Paris' life of H. Davy,	4 00
		Sims on leveling,	1 50
		" instruments,	1 50
		" lectro planography,	1 50
		Barlow on strength of timber,	5 00
		History of Mexico, 3 vols.	6 00
		Conquest of Mexico,	6 00
		Muller's general history,	3 50
		Tooke's Russian empire,	8 00
		Warren's American revolution,	5 00
		Dow's Hindostan,	7 00
		Edward's West Indies,	9 00
		History of Canada,	16 00
		Sanford's history of aborigines,	2 00
		Mosheim's church history,	7 50
		Long's second expedition, 2 vols.,	5 00
		Carr's northern summer,	4 50
		Clarke's travels,	36 00
		Silliman's tour,	1 50
		" journal, 4 vols.,	4 00
		Carver's travels in America,	1 75
		Lewis and Clarke's travels,	1 50
		Schoolcraft's travels,	1 25
		Bonaparte's campaigns in Italy,	1 00
		Life of Washington,	5 50
		Herbert's steam engine,	5 50
		Gill Blass, 2 vols.,	10 00
		Humphrey's fortifications,	2 25
		Mirabeau's letters, 2 vols.,	2 55
		London stage,	2 50
		Montesque's spirit of laws,	5 00
		Sinclair's correspondence,	4 50
		Templar's works, 4 vols.,	8 00
		Bolingbroke on history,	2 50
		Book of constitutions,	4 00
		Mecanique Celest, 4 vols.,	40 00
		Conventions of Maryland,	2 50
		2 boxes, carpentry and cartage,	3 00
June	10,	Crabb's synoms,	2 75
		Paige's reports, 6 vols.,	42 00
		Hawks of Hawk Hollow,	1 50
		Calavar, 2 vols.,	1 50
		Owen's voyages, 2 vols.,	1 25
		Cooper's Switzerland, 4 vols.,	3 00
		" France,	1 50
		Carried forward,	$

	Brought forward,	$
June 10, do	Cooper's England,	1 50
	East and west,	1 50
	Horse Shoe Robinson,	1 50
	Irving's Rocky Mountains,	2 00
	Law of patents,	3 50
	Robertson's works,	5 00
	National portrait gallery,	25 00
	Boydell's Shakspeare,	75 00
	Hogarth's works,	75 00
	History of steam engines,	4 00
	One box and cartage,	1 13
		$1,103 51
1839.		
Sept. 9,	Bought of Amos Lay, two maps of the United States, at $10 per map,	20 00
	One map of Canada, at $8 do,	8 00
	One do of the World, at $4 50 do,	4 50
		32 50
1839.		
June 7,	To Strong & McReynolds, for freight of one box of books,	2 78
1839.		
Nov. 1,	To Dorr, Webb & Co., transportation and charges on three boxes of books,	7 95
	Whole amount expended,	1,146 74

Recapitulation.

Sum appropriated for 1837,		$2,000 00	
do	do do 1838,	1,000 00	
do	do do 1839,	1,000 00	
			$4,000 00
Amount expended in 1837,		$1,824 10	
do	do do 1838,	962 31	
do	do do 1839,	1,146 74	
			3,933 15
	Leaving unexpended,		$66 85

I certify that the above account is correct, to the best of my knowledge and belief.

OREN MARSH,
Librarian.

[No. 69.]

Report of the Committee on Ways and Means, to whom was referred Senate bill 74, to provide for the further construction of certain works of Internal Improvement.

Your committee having had the subject referred to them under consideration, have come to the conclusion, that said bill, in its present shape, ought not to become a law. In the opinion of your committee, the project of appropriating money on the works of internal improvement, on a scale commensurate with the provisions of the bill referred to, could only be justified by an overflowing treasury, adequate to meet so heavy draughts upon it, or by calling into requisition the *credit* of the state, with a certainty, or at least a reasonable probability, that that credit could be rendered available in the way of obtaining loans sufficient for the purpose. But, as on the one hand, the treasury of the state is not entirely empty, but is already liable to be called upon to meet the present floating debt actually due, and the amounts constantly accruing under contracts now existing, to an amount at least equal to the whole available resources of the state for the present year, and probably a part of the next; so on the other hand, the credit of our state appears to be at too low an ebb, especially when considered in connection with the present deranged state of the financial affairs of our country in general, to justify the most sanguine in indulging the hope, that any assistance can be obtained from this source, by means of loans or otherwise. And again, if the anticipation of the instalments hereafter to become due on the five million loan be relied on to meet the exigency, such anticipation must necessarily be attended by a sacrifice too great to be justified by the object in view; and would, moreover, be a resource too uncertain to form the basis of a measure fraught with the most fatal and disastrous consequences in case of disappointment. Your committee are seriously impressed with the belief that it is now full time to husband the resources and credit of the state, and that from the experience of the past, we should learn wisdom and economy for the future.

It is now too late to look back upon the past with any expression of regret, or to point out the impolicy of engaging our state in a system of internal improvements now found to be evidently beyond our present means to complete. The system has been adopted—a debt of $5,000,000 has been contracted by the state, for the purpose of prosecuting that system—and several of the works have already been commenced, and are now partially constructed.

It only remains for us, therefore, to determine how far, and when, the remaining balance of the 5,000,000 loan can be expended or appropriated so as best to promote the general interests of the state, and with the greatest probability of producing a revenue sufficient to meet the interest of that loan, and prevent the necessity of a resort to direct taxation. While this paramount object is kept in view, the faith of the state, pledged to its own citizens, and the claims of our citizens in different parts of our state, so far as compatible with that object, should be carefully regarded.

That the central railroad, in point of location, possesses advantages over every other work of a like character within our borders, the committee are of the opinion, will not be doubted; and if the state could call to her aid resources sufficient for the completion of said work, no doubt exists, in the minds of your committee, that an immediate revenue would be derived therefrom, sufficient to pay the interest of the money expended on the same, leaving a surplus to be applied, either for the payment of interest on the whole loan, or to be expended in aid of the construction of some other work, as might be thought most expedient for the interests of the state. But while the committee are deeply impressed with an entire conviction that the best interests of the state require the speedy completion of said central work, they are equally impressed with the conviction, that the appropriation and the mode of letting contracts, as provided for in the bill referred to, would prove ruinous to the state. Your committee do not entertain a doubt of the practicability of letting contracts according to those provisions, but they do believe that such contracts could not be made without a heavy drawback, for it is not for a moment to be supposed that the actual operator can enter into competition in this matter, unless he should be in funds sufficient to enable him to wait for money for a period varying from one to two years, which can scarcely be supposed possible. But while expressing an opinion favorable to the *centre*, the committee do not intend to lose sight of other portions of the state works, nor of the claims of their citizens for aid in carrying on the works of a public character in their vicinity.

With these general views of the subject, your committee beg leave to submit, for the consideration of the house, certain amendments, which, upon the most careful examination and most mature deliberation, they have been able to give the subject, they deem proper to be made to said bill, in the full belief that the best interests of the state will be thereby promoted, and no unavoidable or unnecessary sacrifice made.

The amendments which your committee propose to said bill are as follows:

Strike out after the word improvement (in the fourth line, until the word direct, in the eighth line.)

Strike out in line twelve, the word (ten) and insert six.

In the fourteenth line, add the words (east of Marshall,) to come in after the word railroad, and insert the following proviso:

Provided, That it shall not be competent for the commissioners of internal improvement to enter into any contract for the completion of any portion of the road west of the village of Jackson, until such part of the work located east of that point shall have been first put under contract, and means provided for the payment of said contracts, according to the provisions of this act. Nor in any case, unless funds can be realized by the commissioners from such portions of the instalments as could, with justice (to other appropriations made by this act,) be applied to the prosecution of said portion of the road, for the immediate payment of the contracts as they shall become due, and at a discount not exceeding seven per cent, per annum.

Add to the end of the printed bill, two sections, to stand as sections 11 and 12.

All which is respectfully submitted.

GEORGE RENWICK,
Chairman.

[No. 70.]

Annual report of the Inspectors of the State Prison.

State Prison, Jackson, December 31, 1839.

Sir—Herewith you will receive, agreeably to section 10, of an act for the government and discipline of the state prison, and for your presentation to the legislature, the report, &c., of the board of inspectors to the termination of the fiscal year, 31st October, 1839. I shall be much obliged by your admitting the receipt thereof per return of post.

And remain, dear sir,

Yours, respectfully,

JOSEPH SEPTIMUS WARD.
Clerk State Prison.

Randolph Manning, *Esq., Secretary of State.*

P. S. Since preparing the report of the inspectors and writing the above, it has upon inquiry been ascertained, that the following sums, contained in Benjamin Porter's report, have been paid, amounting together to $533 11, viz:

May 21,	Paid to J. H. Titus, for conveying eleven convicts,	$220 63
	Ira A. Reid, deputy keeper,	104 16
	B. Porter, as agent,	208 32
		$533 11

Consequently there will require that amount less to be appropriated for.

J. S. WARD.

In compliance with the requirement of section 10, of "An act to provide for the government and discipline of the state prison," the board of inspectors for the state prison at Jackson, submit the following report of the state and condition of the prison:

The prison buildings being in an unfinished state at the time the prisoners were removed to this place, in March last, a temporary building was erected for their reception; this they have continued to occupy ever since, with the exception of a short time during the warm season, when they were lodged in the cells of the prison separately. The temporary building consists of a cook-room and a large apartment which answers the double purpose of a lodging and mess-room, having four tiers of berths on each side, and tables in the centre. The building is objectionable, inasmuch as it is less secure than the cells, and thwarts in a great measure, that wholesome discipline, which can only be preserved, where there is less chance of communication among the convicts; but it is believed to be the best place that circumstances would admit of.

We had confidently hoped that the west wing of the prison would have been completed and ready for the reception of prisoners by the first of January, but a failure on the part of those who purchased the state bonds, to meet the monthly instalments, has compelled the commissioner to suspend for the present, the whole work.

An addition to the temporary building had become necessary, and has recently been erected to accommodate a greater number of prisoners through the winter.

The financial operations of the prison, have been attended with much embarrassment, and in many cases, with a loss to the state; it has arisen from the want of an appropriation for defraying the current expenses of the prison; the agent had no alternative left, but to use the credit of the state; this has been done for the whole amount which has accrued, with the exception of what has been received for convict labor, as will appear in the report of the agent, annexed, to which we beg leave to refer.

The amount of expenditures which accrued during the superintendence of Benjamin Porter, and previous to the 24th June, are not included in the report of the present agent; it amounts to $2,661 34, as appears by copies of two monthly reports of Benjamin Porter, annexed, all of which, it is believed, remain unpaid, except the sum of seventeen dollars, which has been paid on the account of the attending physician, showing a balance unpaid, up to the 24th of June, of $2,644 34.

The annual report of the agent, exhibits the amount of labor performed by the convicts, and the manner in which it has been applied. It likewise exhibits the amount of receipts and expenditures, from the 24th June up to the close of the fiscal year, ending on the 31st day of October.

The condition of the prison in regard to health and physical ability, is and has been good through the past warm season, as will appear by the agent's report, showing the quantity of time lost by sickness; in regard thereto, it should be borne in mind that many of the convicts were diseased on entering the prison; through the prompt attention of the physician, such convicts have been restored to health, while those who have been laboring under complaints common to the country, such as fever, ague, &c., have lost but few days each.

The discipline under the present efficient agent and deputy keeper, has resulted in keeping good order and subordination, requiring the infliction of but very little corporeal punishment.

The moral instruction of the prison, has consisted in supplying such of the convicts, who could read, with a copy of the Testament, together with the divine lectures of the chaplain, once in each week, whose christian fidelity and attention has had its due influence on most of the convicts.

Copies of the monthly reports which have been made by the agent to the board, will be found also annexed.

The number of convicts remaining in the prison, 31st October, was twenty-five, since which time, up to the 31st December, there has been added seven thereto, making the present number thirty-two.

It will be perceived by copies of Benjamin Porter's two reports, that $2,644 34 will be necessary to discharge the same. It also appears by the agent's report of receipts, disbursements and outstanding debits, that the sum of $1,553 02 is required to meet the liabilities incurred up to the end of the fiscal year, 31st October. We have been informed by the agent that from the termination thereof, to the 31st day of December, there have accrued liabilities, amounting to $1,500; these will, together, require about the sum of $5,700 for their liquidation. For this amount it is respectfully requested of the legislature that a provision may be made at the earliest opportunity, and

also that an appropriation may be made to meet the expenses of the ensuing year.

Any further information that may be required by the legislature, will be cheerfully forwarded.

All which is respectfully submitted.

IRA C. BACKUS,
ALLEN BENNETT,
R. B. REXFORD,
Inspectors.

State Prison, Jackson, December 31, 1839.

State Prison, Jackson, July 23, 1839.

To the Honorable the Board of Inspectors of said Prison:

Jonas H. Titus, the agent, respectfully reports, that the following is a correct statement of moneys due to the undermentioned persons, for services rendered at the state prison; also, for goods furnished for the use of said prison, from the 24th day of June to 24th day of July, 1839.

1839.

July 24, To J. H. Titus, for services as agent of prison for 46 days, at $1,000 per annum,				$125 04
" L. B. Cogswell, as guard, 31 days, at			$1 25	38 75
" P. Cough,	do	29	do	36 25
" T. Cough,	do	31	do	38 75
" M. Harragan,	do	31	do	38 75
" C. S. Elwell,	do	32	do	40 00
" N. Hammond,	do	31	do	38 75
" D. B. Wilcox,	do	16	do	20 00
" Ford & Buck, 3 pair mittins,				3 75
" Kirby, at Detroit, for leather and transportation. Invoice 2,				58 82
" John Watkins, for 33 gallons oil, at $1 44 per gallon. Invoice 4,				48 52
				$487 38

State of Michigan, Jackson County, ss.

Jonas H. Titus, agent, and Joseph Septimus Ward, clerk, of the state prison at Jackson, being duly sworn, say that the within statement is correct and true according to the best of their knowledge and belief.

(Signed,) J. H. TITUS, *Agent,*
J. S. WARD, *Clerk.*

Subscribed and sworn to, this 24th day of July, A. D. 1839.

(Signed,) IRA C. BACKUS, *Chairman.*

State Prison, Jackson, August, 1839.

To the Honorable the Board of Inspectors of the said prison:

Jonas H. Titus, the agent, respectfully reports, that the following is a correct statement of moneys due to the undermentioned persons for services rendered at the state prison, also for goods furnished for the use of the prison, from the 24th day of July to the 21st day of August, A. D. 1839.

1839.

Aug. 21, To J. H. Titus, for services as agent of said prison, for 29 days, at $1,000 per annum,		$69 46
" D. B. Wilcox, for 29 days, as deputy keeper, at $500 per year,		34 73
" L. B. Cogswell, as guard, 24 days, at $1 25		30 00
" P. Cough, for services as guard, 28 days, at $1 25		35 00
" Thos. Cough, do 28 do		35 00
" M. Harragan, do 28 do		35 00
" C. S. Elwell, do 24 do		30 00
" N. Hammond, do 28 do		35 00
" J. Roberts & Co., Detroit, for goods to make clothing for convicts,		91 36
" Lonson Wilcox, for shoemakers' tools, lasts, &c., for prison,		3 95
		$399 50

State of Michigan, Jackson County, ss.

Jonas H. Titus, agent, and Joseph Septimus Ward, clerk, of the state prison at Jackson, being sworn, say that the within statement is correct and true, according to the best of their knowledge and belief.

J. H. TITUS, *Agent.*
J. S. WARD, *Clerk.*

Subscribed and sworn to, this 21st day of August, A. D. 1839, before me.

(Signed,) IRA C. BACKUS,
Chairman.

State Prison, Jackson, Sept. 18, 1839.

To the honorable Board of Inspectors of the State Prison:

Jonas H. Titus, the agent, respectfully reports, that the following is a correct statement of moneys due to the undermentioned persons, for services rendered at the state prison; also, for goods furnished for the use of the prison, from the 21st day of August to the 18th day of September, A. D. 1839:

1839.

Sept. 18, To Jonas H. Titus, for services as agent of said prison, 29 days, at $1,000 per annum,	$69	46
" D. B. Wilcox, for services as deputy keeper, 29 days, at $500 per annum,	34	73
" L. B. Cogswell, as guard, 25 days, at $1 25,	31	25
" Patrick Cough, do 29 do	36	25
" Thomas Cough, do 29 do	36	25
" Michael Harragan, do 29 do	36	25
" C. S. Elwell, for services as guard, 25 days, at $1 25	31	25
" N. Hammond, do 29 do	36	25
" A. E. Lyon, do 25 do	31	25
" Silas W. Stowell, for sundries furnished for the use of said prison,	6	18
	$349	12

State of Michigan, Jackson County, ss.

Jonas H. Titus, agent, and Joseph Septimus Ward, clerk of the state prison at Jackson, being duly sworn, say that the within statement is correct and true, according to the best of their knowledge and belief.

(Signed,) J. H. TITUS, *Agent.*
J. S. WARD, *Clerk.*

Subscribed and sworn to, the 18th day of September, 1839, before me.

(Signed,) IRA C. BACKUS, *Chairman.*

—

State Prison, Jackson, September 25, 1839.

To the Board of Inspectors:

Jonas H. Titus, the agent, respectfully reports, that the following is a correct statement of convict labor, performed for Z. Platt and Silas W. Stowell; and that there is now due to S. W. Stowell, for boarding 22 convicts, $849 60, as by statement, hereunder written, will more fully appear.

1839.

To 661 day's labor, for Z. Platt, by convicts, at 7s. per day,	$578	52
" 208 days, at 6s. per day,	156	00
Carried forward,	$	

Brought forward,		$
To 112 days for Silas W. Stowell, at 8s. per day,		112 00
		$846 52
Due to Silas W. Stowell for boarding convicts from May 24 to August 1st, as per bill on file,		684 60
Due for boarding 22 convicts from August 2 to September 18, 25 days, at 30 cents each,		165 00
		$849 60

State of Michigan, Jackson county, ss.

Jonas H. Titus, the agent, and Joseph Septimus Ward, clerk, of the state prison, being sworn, say that the above statement is true to the best of their knowledge and belief.

(Signed,) J. H. TITUS, *Agent*,
J. S. WARD, *Clerk*.

Subscribed and sworn to, this 26th day of September, 1839, before me.

(Signed,) IRA C. BACKUS, *Chairman*.

—

State Prison, Jackson, Oct. 31, 1839.

To the Hon. the Board of Inspectors of the State Prison:

Jonas H. Titus, agent of the state prison, respectfully reports, that the following is a correct statement of moneys due to the undermentioned persons, for services rendered at the state prison; also for goods furnished for the use of said prison, from the 18th day of September to 31st day of October, 1839. 1839.

Oct. 31, To Jonas H. Titus, for services as agent of said prison, 37 days, at $1,000 per annum,					$101 37
" D. B. Wilcox, for services as deputy keeper, 37 days, at $500 per annum,					50 68
" L. B. Cogswell, as guard, 32 days, at				$1 25	40 00
" C. S. Elwell,	do	32	do		40 00
" N. R. Hammond,	do	32	do		40 00
" Irus Hammond,	do	30	do		37 50
" A. E. Lyon,	do	43	do		53 75
" T. A. Swift,	do	30	do		37 50
Carried forward,					$

		$
	Brought forward,	
Oct. 31,	To H. H. Mather, for boiler and tin pans. Invoice 49,	3 50
	" J. B. Fish, for 3 cans powder. Invoice 20,	2 25
	" Ford & Buck, 1 can powder. Invoice 20,	1 31
	" J. Roberts & Co., for woollen socks. Invoice 38,	21 97
	" Pierre Teller, for medicines. Invoice 39,	55 50
	" Stowell, for boarding convicts. Invoice 49½,	282 30
		$772 63

State of Michigan, Jackson County, ss.

Jonas H. Titus, agent, and Joseph Septimus Ward, clerk, being sworn, say that the within statement is correct and true, to the best of their knowledge and belief.

(Signed) J. H. TITUS, *Agent.*
J. S. WARD, *Clerk.*

Subscribed and sworn to, this 23d day of October, 1839, before me.

(Signed) IRA C. BACKUS,
Chairman.

Annual Report.

To the Board of Inspectors of the State Prison:

GENTLEMEN—In compliance with "sec. 35" of "An act to provide for the government and discipline of the state prison," I respectfully submit to you a statement of convict labor, together with the manner in which the same has been applied or disposed of, from the 22d day of April to the 31st day of October, 1839, both inclusive,

And remain, gentlemen,
Yours, respectfully,

J. H. TITUS,
Agent S. P.

State Prison, Jackson, Nov. 20, 1839.

The State Prison.

CR.

By convict labor from 22d April to 31st Oct., 1839,
3,250½ days.

To labor for Z. Platt, in stone quarry,		661½	days,	7s.	$579	02½
"	"	"	208	"	6s.	156	00
"	H. B. Lathrop,	"	82½	"	"	61	08
"	S. W. Stowell,	"	161	"	8s.	161	00
			1,113			$968	70½
" for state in blacksmith's shop, shoemaker's shop, tailor's shop, bricklaying, &c.,			1,672½				
" lost by sickness, misconduct, and inclement weather,			465				
Total number of days,			3,250½				

To the Board of Inspectors of the State Prison:

GENTLEMEN—In pursuance of sec. 35 of "An act to provide for the government and discipline of the state prison," I herewith render you a statement of convict labor, and the proceeds arising therefrom; also of the disbursements made on account of the convicts between the periods of the 22d April and the 31st of October, 1839. For 1,113 days' labor, there has been realized the sum of $1,007 09. There has been 1,672½ days' labor performed by convicts on the state work, &c., which, if it had been realized to the prison, would amount to $1,347 24. I regret to state, there has been unavoidably lost to the prison, by sickness, inclement weather, misconduct, &c., between the said periods, 465 days' labor.

I remain, gentlemen,
Yours, respectfully,
J. H. TITUS, *Agent.*

Jonas H. Titus, Commissioner, in account with the State.

DR.

1839.			
Sept. 27,	To amount of Z. Platt, for convict labor, 661½ days, 7s,	$578	52
	" amount of Z. Platt, for convict labor, 208 days, 6s.,	156	00
	" amount of Z. Platt, for work in blacksmith's shop,	49	89
		$784	41

CR.

1839.						
July	10,	By cash paid Williams, on discharge,			$2 00	
	29,	do	Bell,	do	2 00	
	13,	do	Barber, for cell tubs,		8 00	
Aug.	5,	do	do	do	3 00	
July	30,	do	Bradt, following pris.,		19 00	
Oct.	16,	do	N. Hammond,	do	5 00	
		do	A. E. Lyon,		5 00	
Aug.	3,	do	Thos. Cough, as guard,		3 00	
	28,	do	do	do	25 00	
	10,	do	M. Harragan,	do	6 00	
	28,	do	do	do	30 00	
	10,	do	L. B. Cogswell,	do	6 00	
	28,	do	do	do	25 00	
	10,	do	C. S. Elwell,	do	6 00	
	28,	do	do	do	25 00	
	20,	do	N. R. Hammond,	do	2 00	
	28,	do	do	do	30 00	
		do	D. B. Wilcox,	do	15 00	
		do	P. Cough,	do	35 00	
		do	A. E. Lyon, as	do	20 00	
Oct.	15,	do	P. P. Sawyer,	do	16 25	
Aug.	16,	do	Watkins, gallon oil,		2 24	
	7,	do	E. Beddell, cord wood,		30 00	
Oct.	14,	do	E. B. Miller, brooms,		6 00	
	24,	do	H. H. Mather, pans,		3 50	
						$328 99
		Carried to outstanding accounts,				$455 42

—

The State on account of Convict Department, the following outstanding accounts:

DR.

June	25,	To Ford & Co., for mittens,		3 75
July	5,	G. Kirby & Co., for leather,		57 58
	6,	John Watkins, 33 gallons oil,		48 52
	25,	J. Roberts, clothing,		91 36
Aug.	12,	L. Willcox, one kit shoe tools,		3 95
June	24,	S. W. Stowell, board of convicts, 24th May to 24th August, 2,282 rations,	$684 60	
		Carried forward,	$	$

		$	$
	Brought forward,		
Sept. 18,	To S. W. Stowell, board of convicts, 24th August to 18th September, 550 rations,	165 00	
Oct. 31,	S. W. Stowell, board of convicts, 18th September to 31st October, 941 rations,	282 30	
			1,131 90
Jan. 17,	S. W. Stowell, for lard and sundries,		6 18
Oct. 26,	do pork barrels,		2 50
Sept. 28,	J. B. Fish, gunpowder,		2 25
	Ford & Buck, do		1 31
Oct. 4,	Roberts & Co., clothing and socks,		21 97
	P. Teller, medicines,		55 50
	G. W. Gorham, bottles and jars,		3 50
	G. Kirby, leather,		55 41
	L. B. Cogswell, guard, 24th June to 31st October,	$133 75	
	Less cash, see contra,	36 00	
			107 75
	P. Cough, guard, 24th June to 30th September,	116 25	
	Less cash, see contra,	35 00	
			81 25
	Thos. Cough, guard, 24th June to 30th September,	$118 75	
	Less cash, see contra,	28 00	
			90 75
	M. Harragan, guard, 24th June to 30th September,	$123 75	
	Less cash, see contra,	36 00	
			87 75
	C. S. Elwell, guard, 24th June to 31st October,	$140 00	
	Less cash, see contra,	31 00	
			109 00
	N. Hammond, guard, 24th June to 31st October,	$155 00	
	Less cash, see contra,	32 00	
			123 00
	D. B. Willcox, guard,	$20 00	
	Less cash, see contra,	15 00	
			5 00
	T. A. Swift, guard, from 2d to 31st October,		37 50
	J. Hammond, guard, do		37 50
	Carried forward,		$

Brought forward,

Oct. 4, To A. E. Lyon, guard, 21st August to 31st October,

Less cash, see contra,

Bennett, jr., for four pounds epsom salts,

CR.

By convict labor, S. W. Stowell, 161 days, $1, $161 00

for H. B. Lathrop, 82½ do 61 64

Deduct cash received,

Report of B. Porter, Agent.

State Prison Jackson, May 21, 1839.

To the Board of Inspectors:

The agent respectfully reports, that the following is a correct statement of moneys received and expended on account of said prison, commencing on the 6th day of March, and ending on the 21st day of May, 1839:

May 21,	Due S. W. Stowell, bills of 11th April and 21st May, for prisoners,	$338 77
	Dyer & Derbey, bill of 11th April and 16th May clothing,	3 28
	W. Baker & Co., March 5 and April 30th, clothing,	16 32
	Ford & Buck, May 2d and April 30th, oil,	2 00
	A. C. Ford, March 11th, buck mits,	8 00
	Wm. Ford & Son, 17th April, flour and meal,	20 62
	Mrs. Chapin, April 30th, making clothes,	97 13

Carried forward,

	Brought forward,			$
May 21, Due	Mrs. Wellman, April 30th, making clothes.			83 00
	M. Fallahu, May 21st, work, &c.,			9 00
	C. R. Ganson, May 21st, expenses,			5 88
	B. W. Rockwells, from 22d April and 30th April, testaments and oil,			5 75
	Benedict & Tisdle, 22d Jan., for clothing,	$146 02		
	do 15th Feb. do	82 13		
	do March 9, blankets,	56 25		
	do 11 do oil, &c.,	2 63		
	do do cloths,	10 39		
	do 14 do do	5 25		
	do do molasses,	15 00		
	do 11 do oil, &c.,	3 50		
	do April 1, lamp oil,	2 00		
	do 20th March, do	0 50		
				323 67
	A. Bennet, jr., bill, April 30, for expenses,	8 07		
	do 15th May, coffee,	1 46		
				9 53
	Baldwin & Kimball, forks, knives, spoons, lanterns, cups, &c., 22d February,	31 24		
	M. B. & J. W. Medburry, bill of 30th April, suspenders,	0 93		
	do do knives and forks,	7 94		
	do 21st January, clothing,	13 78		
				22 65
	Amos Bigelow's bill, 25th April, for hardware, front for cook house, &c.,	33 43		
	Samuel Blackwell & Co., bill, 30th April, for chairs,	25 76		
	do 17th February, clothing,	73 84		
				99 65
	B. Porter, for the following bills paid, to wit:			
	Dewy & Green, bill for carver and fork, 8th of			
	Carried forward,			$

		$		$	
	Brought forward,				
	March,	1	38		
May 21, Due	Edward Miller, bill for washing, &c., 9th March,	4	34		
	Mrs. Miller, bill for washing, &c., 22d March,	1	56		
	Sam'l Knapp, bill for soap, 13th March,	6	00		
	*J. H. Titus, expenses for removing 11 convicts to Jackson, 6th March, 1839,	220	63		
	Mrs. Hessler, for making mattrass, sheets, &c., 20th March,	1	57		
	Thomas Carragan, per receipt, expenses, 6th of March,	1	00		
	Edward Miller, per receipt, expenses, 7th March,	1	00		
	William Cockburn, per receipt, expenses, 7th of March,		50		
	Jas. S. Porter, per receipt, expenses, 7th March,	1	00		
	Dyer & Derbey, bill for 22 palm leaf hats, for convicts, May 10th, 1839,	5	50		
	G. W. Gorham, making bullet moulds, 3d May, 1839,	1	38		
	H. P. Mabee, as guard, 7th May, 7½ days, 8s.,	7	50		
	Mrs. Miller, washing, &c., 116 pieces,	2	58		
	Dr. McLain, for ointment,		25		
	For 22 prs. brogan shoes for convicts, 16s.,	44	00		
	¼ fold paper, 9s.,	1	13		
	3½ lbs hops, 3s., and 1 pair shears, 5s.,	1	94		
	1 box percussion caps, 2s. 6d.,		31		
	Carried forward,	$		$	

*I have learnt since making up the report, that this amount has been paid $220 16.

J. S. WARD, *Clerk S. P.*

Brought forward,		$	$
May 21, Due Mr. Hammond, for apprehending Thos. Green, who escaped from prison,		25 00	
			328 51
Patrick Cough, as guard, 74½ days, from 7th March to this date, at 10s.,			93 13
G. W. Elliott, as guard, 75½ days, from March 7 to this date, at 10s.			94 38
Levi Beebe, 26½ days as guard, from 6th March to 2d April, at 10s.			33 13
Levi Morley, half day on March 7, 10s.			63
L. B. Cogswell, 27½, from 6th March to this date, at 10s.			34 38
Michael Harragan, 47½, 9th April to this date, 10s.			51 88
Thomas Cough, as guard, 53 days, from 3d April to this date, 10s.,			61 25
Ira A. Reed, as deputy keeper two and a half months, $500 per year,			104 16
B. Porter, agent, two and a half months, $1,000 per year,			208 32
Jesse Wood, for cooking 69 days, from 5th March to this date, 8s.,			69 00
G. W. Gorham, bill, May 21, for services as physician and surgeon for said prison, from 11th March to this date,			40 50
Paid on G. W. Gorham's account by auditor general, $17,00,			17 00
			$2,244 19

Jackson, May 21, 1839.

Benj. Porter, Commissioner of State Prison.

1839.

Feb.	24,	To making and finishing 32 shackles,	$64 00
		To making two cherries, (for musket and buck shot,)	2 00
		To making brass moulds for musket balls and buck shot,	2 00
		To one day's work, ironing prisoners and procuring rifles for guards,	2 50
			$70 50

I hereby certify the above account to be correct.

B. PORTER,
Late Acting Commissioner.

State of Michigan, Jackson County, ss.

Benjamin Porter, agent, and Corneal R. Ganson, clerk, of the state prison, at Jackson, being sworn, say that the within report is true, according to the best of their knowledge and belief.

B. PORTER, *Agent.*
C. R. GANSON, *Clerk.*

Subscribed and sworn, this 22d day of May, A. D. 1839, before me.

IRA C. BACKUS,
President of the Board of Inspectors State Prison.

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1839.

July	19,	Allowed Ira A. Reed, as deputy keeper, from the 17th April, to 20th May, inclusive, 33 days, at $500,	$45 46
		Allowed B. Porter, agent, from 17th April, to 24th June, at $1,000 per year,	186 30

H. HOWARD,
Auditor General.

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State Prison, Jackson, June 24, 1839.

To the Board of Inspectors:

The agent respectfully reports, that the following is a cor-

rect statement of moneys due to the undermentioned persons, for services rendered at the state prison, from the 21st day of May, A. D. 1839, to the 24th day of June, A. D. 1839.

1839.

June 24,	Due B. Porter, for services as agent of said prison, for 34 days, at $1,000 per annum,				$98 60
	" Ira A. Reed, for services as deputy keeper, at $500 per annum,				49 30
	" Michael Harragan, as guard, 34 days, at $1 25 per day,				42 50
	" Thomas Cough, as guard, 34 days, at $1 25 per day,				42 50
	" Patrick Cough, from 21st May to 4th June, 14 days, at $1 25 per day,				17 50
	" Aretus Dunn, from 4th June to 16th June, 12 days, at $1 25 per day,				15 00
	" C. S. Elwell, from 4th June to 24th June, 20 days,				25 00
	" Levi Morley, from June 17th to June 19th, 2 days,				2 50
	" Nathaniel Harman, from June 19th to June 24, 5 days,				6 25
	" J. W. Elliot, for 35 days, at $1 25 per day,				43 75
May 24,	To S. W. Stowell, Dr.				
	" 1 bedcord, for bed, 3*s*.				38
	" 1 box pills, by Reed, 3*s*.				38
30,	" 3 pounds lard, at 1*s*. 4*d*. per pound,				50
	" 1 bottle ink, 15 cts,				15
June 4,	" 3 pounds lard, at 1*s*. 4*d*.			do	50
8,	" 4 do		do	do	64
4,	" 3½ do		do	do	54
	4 buckles, 2*s*.				25
22,	" 2½ pounds lard,		do	do	41
					$346 65

State of Michigan, Jackson County, ss.

Benjamin Porter, agent, and Joseph Septimus Ward, clerk of the state prison at Jackson, being sworn, say, that the above statement is correct and true, according to the best of their knowledge and belief.

B. PORTER, *Agent*,
J. S. WARD, *Clerk*.

Subscribed and sworn, this 26th day of June, A. D. 1839, before me.

ALLEN BENNETT, *Chairman*.

Allowed B. Porter, agent, for services from the 17th April to 24th June, the date of act, to the day his services ceased, at $1,000 per year, sixty-eight days,	$186 30	
" Ira A. Reed, his services as deputy keeper, including the within mentioned services, 83 days, at $500 per annum,	113 15	
	$299 45	

H. HOWARD,
Auditor General.